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SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JOHN R. ASHCROFT  
SECRETARY OF STATE

# MISSOURI REGISTER

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October 1, 2021	November 1, 2021	November 30, 2021	December 30, 2021
October 15, 2021	November 15, 2021	November 30, 2021	December 30, 2021
November 1, 2021	December 1, 2021	December 31, 2021	January 30, 2022
November 15, 2021	December 15, 2021	December 31, 2021	January 30, 2022

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at [sos.mo.gov/adrules/pubsched](https://sos.mo.gov/adrules/pubsched).

## HOW TO CITE RULES AND RSMO

### RULES

The rules are codified in the *Code of State Regulations* in this system–

Title		Division	Chapter	Rule
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

### ***Code and Register on the Internet***

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The *Code* address is [sos.mo.gov/adrules/csr/csr](http://sos.mo.gov/adrules/csr/csr)

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These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 1—OFFICE OF ADMINISTRATION  
Division 10—Commissioner of Administration  
Chapter 15—Cafeteria Plan**

**EMERGENCY AMENDMENT**

**1 CSR 10-15.010 Cafeteria Plan.** The commissioner is replacing the *Cafeteria Plan for the Employees of the State of Missouri* document referred to in section (2) with an updated version reflecting increased maximum allowed contributions for the Dependent Care Assistance Program for the 2021 calendar year as authorized by the American Rescue Plan Act of 2021.

*PURPOSE: This amendment makes changes to the benefits available to state and other public entity employees under the State of Missouri's cafeteria plan.*

*EMERGENCY STATEMENT: This emergency amendment makes changes to the written cafeteria plan document maintained by the Commissioner pursuant to section 33.103.3, RSMo, specifically increasing for calendar year 2021 only the maximum allowable contribution to the Dependent Care Assistance Program (DCAP). This program allows employees to make pre-tax salary contributions to a Flexible Spending Account (FSA) for reimbursement of certain dependent care expenses. The American Rescue Plan Act of 2021 (ARPA), signed by the President on March 11, 2021, temporarily increases the maximum allowable contribution to a dependent care FSA from five thousand dollars (\$5,000) for a married couple or single person (or*

*two thousand five hundred dollars (\$2,500) for someone who is married but files a separate tax return and does not satisfy certain criteria to be treated as single) to ten thousand five hundred dollars (\$10,500) (or five thousand two hundred fifty dollars (\$5,250)). Administrators must amend their programs to allow employees to take advantage of these increases. The emergency amendment needs to be effective as soon as possible to allow employees to increase their DCAP contributions in order to take greater advantage of the increased allowable maximum contribution under the ARPA, and also to comply with section 33.103.3, RSMo.*

*The commissioner therefore finds that this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The commissioner believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 24, 2021, becomes effective July 9, 2021, and expires January 1, 2022.*

(2) The commissioner of administration shall maintain the cafeteria plan, in written form, denominated as the *Cafeteria Plan for the Employees of the State of Missouri* included herein.

**Cafeteria Plan  
for the Employees of  
the State of Missouri**

**Plan Document**

Effective July 1, 2021  
(with an original effective date of January 1, 1992)

<p style="text-align: center;"><b>Cafeteria Plan for the Employees of the State of Missouri</b></p> <p style="text-align: center;"><b>Plan Document</b></p> <p style="text-align: center;"><b>Table of Contents</b></p>		
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**Section 1**  
**Introduction****1.1 Establishment of the Plan**

The State of Missouri (the “Employer”) hereby amends and restates the State of Missouri Cafeteria Plan (the “Plan”) effective July 1, 2021 (the “Effective Date”). The original Plan was effective January 1, 1992.

**1.2 Purpose of the Plan**

This Plan allows an Employee to participate in the following Benefit Options based on his/her eligibility status as stated in Section 4:

- **Premium Payment Plan (PPP)** to make pre-tax Salary Reduction Contributions to pay the Employee’s share of the premium or contribution for the Health Plan, Dental Plan, and/or Vision Plan.
- **Health Flexible Spending Account (Health FSA)** to make pre-tax Salary Reduction Contributions to an account for reimbursement of certain Health Care Expenses.
- **Dental/Vision Flexible Spending Account (Dental/Vision FSA)** to make pre-tax Salary Reduction Contributions to an account for reimbursement of Dental and Vision Expenses.
- **Dependent Care Assistance Program (DCAP)** to make pre-tax Salary Reduction Contributions to an account for reimbursement of certain Dependent Care Expenses.
- **Health Savings Account Contribution Benefit (HSA Contribution Benefit)** to make pre-tax Salary Reduction Contributions to a Health Savings Account.

**1.3 Legal Status**

This Plan is intended to qualify as a “cafeteria plan” under the Code §125, and regulations issued thereunder and shall be interpreted to accomplish that objective.

The **Health FSA** and the **Dental/Vision FSA** are intended to qualify as self-insured health reimbursement plans under Code §105, and the Health Care Expenses reimbursed are intended to be eligible for exclusion from participating Employees’ gross income under Code §105(b).

The **DCAP** is intended to qualify as a dependent care assistance program under Code §129, and the Dependent Care Expenses reimbursed are intended to be eligible for exclusion from participating Employees’ gross income under Code §129(a).

The **HSA Contribution Benefit** is intended to meet all requirements of §223 of the Code.

Although reprinted within this document, the **Health FSA**, the **Dental/Vision FSA**, the **DCAP** and the **HSA Contribution Benefit** are separate plans for purposes of administration and all reporting and nondiscrimination requirements imposed by Code §§105 and 129. The **Health FSA** and the **Dental/Vision FSA** are also separate plans for purposes of applicable provisions of COBRA and HIPAA.



#### **1.4 Capitalized Terms**

Many of the terms used in this document begin with a capital letter. These terms have special meaning under the Plan and are defined in the Glossary at the end of this document or in other relevant Sections. When reading the provisions of the Plan, please refer to the Glossary at the end of this document. Becoming familiar with the terms defined there will provide a better understanding of the procedures and Benefits described.

Section 2 General Information
----------------------------------

<b>Name of the Cafeteria Plan</b>	State of Missouri Cafeteria Plan
<b>Name of Employer</b>	State of Missouri
<b>Address of Plan</b>	Office of Administration, P.O. Box 809, Jefferson City, MO 65102-0809
<b>Plan Administrator</b>	State of Missouri/Office of Administration
<b>Plan Sponsor and its IRS</b>	State of Missouri/Office of Administration
<b>Employer Identification Number</b>	44-6000987
<b>Named Fiduciary &amp; Agent for Service of Legal Process</b>	State of Missouri
<b>Type of Administration</b>	The Plan is administered by the Plan Administrator with Benefits provided in accordance with the provisions of the State of Missouri Cafeteria Plan. It is not financed by an insurance company and Benefits are not guaranteed by a contract of insurance. State of Missouri may hire a third party to perform some of its administrative duties such as claim payments and enrollment.
<b>Plan Number</b>	501
<b>Benefit Option Year</b>	The twelve-month period ending December 31 (with an additional 2½ month grace period).
<b>Plan Effective Date</b>	July 1, 2021, with an original effective date of January 1, 1992
<b>Claims Administrator</b>	Application Software, Inc., dba ASI, dba ASIFlex
<b>Plan Renewal Date</b>	January 1
<b>Internal Revenue Code and Other Federal Compliance</b>	It is intended that this Plan meet all applicable requirements of the Internal Revenue Code of 1986 (the "Code") and other federal regulations. In the event of any conflict between this Plan and the Code or other federal regulations, the provisions of the Code and the federal regulations shall be deemed controlling, and any conflicting part of this Plan shall be deemed superseded to the extent of the conflict.
<b>Discretionary Authority</b>	The Plan Administrator shall perform its duties as the Plan Administrator and in its sole discretion, shall determine the appropriate courses of action in light of the reason and purpose for which this Plan is established and maintained.

In particular, the Plan Administrator shall have full and sole discretionary authority to interpret all Plan documents, and make all interpretive and factual determinations as to whether any individual is entitled to receive any Benefit under the terms of this Plan. Any construction of the terms of any Plan document and any determination of fact adopted by the Plan Administrator shall be final and legally binding on all parties. Any interpretation shall be subject to review only if it is arbitrary, capricious, or otherwise an abuse of discretion.

Any review of a final decision or action of the Plan Administrator shall be based only on such evidence presented to or considered by the Plan Administrator at the time it made the decision that is the subject of review. Accepting any Benefits or making any claim for Benefits under this Plan constitutes agreement with and consent to any decisions that the Plan Administrator makes in its sole discretion and further constitutes agreement to the limited standard and scope of review described by this section -- Section 2.

Section 3  
**Benefit Options and Method of Funding**

**3.1 Benefits Offered**

Each Employee may elect to participate in one or more of the following Benefits based upon his/her eligibility as stated in Section 4:

- **Premium Payment Plan (PPP)** as described in Schedule A.
- **Health Flexible Spending Account (Health FSA)** as described in Schedule B.
- **Health Savings Account Contribution Benefit (HSA Contribution Benefit)** as described in Schedule C.
- **Dependent Care Assistance Program (DCAP)** as described in Schedule D.
- **Dental/Vision Flexible Spending Account (Dental/Vision FSA)** as described in Schedule E.

Benefits under the Plan shall not be provided in the form of deferred Compensation.

**3.2 Employer and Participant Contributions**

- **Employer Contributions.** The Employer may, but is not required to, contribute to any of the Benefit Options. There are no Employer Contributions for the **PPP** under this Plan; however, if the Participant elects the **PPP** as described in Schedule A, the Employer may contribute toward the Health Plan, Dental Plan and/or Vision Plan as provided in the respective plan or policy of the Employer.
- **Participant Contributions.** The Employer shall withhold from a Participant's Compensation by Salary Reduction on a pre-tax basis, or with after-tax deductions, an amount equal to the Contributions required for the Benefits elected by the Participant under the Salary Reduction Agreement. The maximum amount of Salary Reductions shall not exceed the aggregate cost of the Benefits elected.

**3.3 Computing Salary Reduction Contributions**

- **Salary Reductions per Pay Period.** The Participant's Salary Reduction is an amount equal to:
  - The annual election for such Benefits payable on a semi-monthly or monthly basis in the Period of Coverage;
  - An amount otherwise agreed upon between the Employer and the Participant; or
  - An amount deemed appropriate by the Plan Administrator. (Example: in the event of a shortage of reducible Compensation, amounts withheld and the Benefits to which Salary Reductions are applied may fluctuate.)

- **Salary Reductions Following a Change of Elections.** If the Participant changes his or her election under the **PPP, Health FSA, Dental/Vision FSA, or DCAP**, as permitted under the Plan, the Salary Reductions will be, for the Benefits affected, calculated as follows:
  - An amount equal to:
    - The new annual amount elected pursuant to the Method of Timing and Elections section below;
    - Less the aggregate Contributions, if any, for the period prior to such election change;
    - Payable over the remaining term of the Period of Coverage commencing with the election change;
  - An amount otherwise agreed upon between the Employer and the Participant; or
  - An amount deemed appropriate by the Plan Administrator. (Example: in the event of a shortage of reducible Compensation, amounts withheld and the Benefits to which Salary Reductions are applied may fluctuate.)
- **Salary Reductions Considered Employer Contributions for Certain Purposes.** Salary Reductions to pay for the Participant's share of the Contributions for Benefit Options elected for purposes of this Plan and the Code are considered Employer Contributions.
- **Salary Reduction Balance Upon Termination of Coverage.** If, as of the date that coverage under this Plan terminates, a Participant's year-to-date Salary Reductions exceed or are less than the required Contributions necessary for Benefit Options elected up to the date of termination, the Employer will either return the excess to the Participant as additional taxable wages or recoup the amount due through Salary Reduction amounts from any remaining Compensation.
- **After-Tax Contributions for PPP.** After-tax Contributions for the Health Plan will be paid outside of this Plan.

### 3.4 Funding This Plan

- **Benefits Paid from General Assets.** All of the amounts payable under this Plan shall be paid from the general assets of the Employer. Nothing herein will be construed to require the Employer nor the Plan Administrator to maintain any fund or to segregate any amount for the Participant's benefit. Neither the Participant, nor any other person, shall have any claim against, right to, or security or other interest in any fund, account or asset of the Employer from which any payment under this Plan may be made. There is no trust or other fund from which Benefits are paid. While the Employer has complete responsibility for the payment of Benefits out of its general assets, it may hire a third party administrator to perform some of its administrative duties such as claims payments and enrollment.
- **Participant Bookkeeping Account.** While all Benefits are to be paid from the general assets of the Employer, the Employer will keep a bookkeeping account in the name of each Participant. The bookkeeping account is used to track allocation and payment of Plan Benefits. The Plan

Administrator will establish and maintain under each Participant's bookkeeping account a subaccount for each Benefit Option elected by each Participant.

- **Maximum Contributions.** The maximum Contributions that may be made under this Plan for the Participant are the total of the maximums that may be elected for the **PPP** as described in Schedule A, **Health FSA** as described in Schedule B, **HSA Contribution Benefit** as described in Schedule C, the **DCAP** as described in Schedule D, and the **Dental/Vision FSA** as described in Schedule E.

Section 4  
Eligibility and Participation

**4.1 Eligibility to Participate**

**Any Employee** (see definition of Employee as set forth in the glossary) may participate in the DCAP benefit.

**Any Benefit Eligible Employee** (see definition of Benefit Eligible Employee as set forth in the glossary) may participate in all benefit options for this plan.

Eligibility requirements to participate in the individual Benefit Options may vary from the eligibility requirements to participate in this Plan.

**4.2 Required Salary Reduction Agreement**

To participate in the **Health FSA**, **Dental/Vision FSA**, or **DCAP**, an Employee must complete, sign and return to the Plan Administrator a Salary Reduction Agreement by the deadline designated by the Plan Administrator. If an Employee fails to return a Salary Reduction Agreement, the Employee is deemed to have elected cash and will not be allowed to change such election until the next Open Enrollment unless the Employee experiences an event permitting an election change mid-year.

The Employee may begin participation on the 1st of the month coincident with or next following the date on which the Employee has met the Plan's eligibility requirements or in accordance with the Enrollment requirements each year.

**4.3 Termination of Participation**

A Participant will terminate participation in this Plan upon the earlier of:

- The expiration of the Period of Coverage for which the Employee has elected to participate unless during the Open Enrollment Period for the next Plan Year the Employee elects to continue participating;
- The termination of this Plan; or
- The date on which the Employee ceases to be an eligible Employee because of retirement, termination of employment, layoff, reduction in hours, or any other reason. Eligibility may continue beyond such date for purposes of COBRA coverage, where applicable as set forth in the respective Schedule attached hereto, as may be permitted by the Plan Administrator on a uniform and consistent basis, but not beyond the end of the current Plan Year.

**False or Fraudulent Claims.** The Plan Administrator has the authority to terminate participation in the Plan if it has been determined that a Participant has filed a false or fraudulent claim for Benefits. In addition, an Employee filing a false or fraudulent claim is subject to disciplinary action, up to and including termination of employment.

Termination of participation in this Plan will automatically revoke the Participant's participation in the elected Benefit Options, according to the terms thereof.

#### 4.4 Rehired Employees

If a Participant terminates employment with the Employer for any reason, including, but not limited to, disability, retirement, layoff, leave of absence without pay, or voluntary resignation, and then is rehired within the same Plan Year and within 30 days or less of the date of termination of employment, the Employee will be reinstated with the same elections that the Participant had prior to termination. If the Employer rehires a former Participant within the same Plan Year but more than 30 days following termination of employment and the Participant is otherwise eligible to participate in the Plan, then the individual may make new elections as a new hire.

#### 4.5 Eligibility Rules Regarding the Health FSA

A Benefit Eligible Employee enrolled in a Health Savings Account (HSA) is not eligible to enroll in the **Health FSA** but is eligible to enroll in the **Dental/Vision FSA**. **An Employee is only allowed to enroll in either the Health FSA or the Dental/Vision FSA, not both.**

#### 4.6 Eligibility Rules Regarding the HSA Contribution Benefit

An Employee must be an HSA Employee to elect to participate in the **HSA Contribution Benefit Plan**.

Only Employees who satisfy the following conditions may be considered an HSA Employee:

- Covered under a qualifying High Deductible Health Plan (HDHP) maintained by the Employer;
- Opened an HSA with the custodian chosen by the Employer;
- Not covered under any other non-HDHP maintained by one Employer that is determined by the Employer to offer disqualifying health coverage;
- Not claimed as a tax dependent by anyone else;
- Not enrolled in Medicare coverage; and
- Eligible to participate in the Plan.

#### 4.7 FMLA Leaves Of Absence

**Health Benefits.** Notwithstanding any provision to the contrary in this Plan, if a Participant goes on a qualifying leave under FMLA then to the extent required by FMLA, the Participant will be entitled to continue the Benefits that provide health coverage on the same terms and conditions as if the Participant were still an active Employee. For example, the Employer will continue to pay its share of the Contribution to the extent the Participant opts to continue coverage. In the event of unpaid FMLA leave, a Participant may elect to continue such Benefits.

If the Participant elects to continue coverage while on FMLA leave, then the Participant may pay his or her share of the Contribution:



- With after-tax dollars, by sending monthly payments to the Employer's designee by the due date established by the Employer;
- With pre-tax dollars, by having such amounts withheld from the Participant's ongoing Compensation, if any; or
- By pre-paying all or a portion of the Contribution for the expected duration of the leave on a pre-tax Salary Reduction basis out of pre-leave Compensation.

To pre-pay the Contribution, the Participant must make a special election to that effect prior to the date that such Compensation would normally be made available. Pre-tax dollars may not be used to fund coverage during the next Plan Year (notwithstanding the Grace Period provision). However, see Sections B.7, D.8, and E.7 for information regarding the Grace Period for participants who terminate coverage.

Coverage will terminate if Contributions are not received by the due date established by the Employer. If a Participant's coverage ceases while on FMLA leave for any reason, including for non-payment of Contributions, the Participant will be entitled to re-enter upon return from such leave on the same basis as the Participant was participating in the Plan prior to the leave, or as otherwise required by the FMLA.

A Participant whose coverage ceased under any of the aforementioned plans will be entitled to elect whether to be reinstated in such plans at the same coverage level as in effect before the FMLA leave with increased Contributions for the remaining Period of Coverage, or at a coverage level that is reduced pro-rata for the period of FMLA leave during which the Participant did not pay Contributions. If a Participant elects a coverage level that is reduced pro-rata for the period of FMLA leave, the amount withheld from a Participant's Compensation on a payroll-by-payroll basis for the purpose of paying for his or her Contributions will be equal to the amount withheld prior to the period of FMLA leave.

**Non-Health Benefits.** If a Participant goes on a qualifying leave under the FMLA, then entitlement to non-health benefits (such as **DCAP** Benefits) is to be determined by the Employer's policy for providing such Benefits when the Participant is on leave not qualified as an FMLA leave of absence, as described below. If such policy permits a Participant to discontinue Contributions while on leave, then the Participant will, upon returning from leave, be required to repay the Contributions not paid by the Participant during the leave. Payment shall be withheld from the Participant's Compensation either on a pre-tax or after-tax basis, as may be agreed upon by the Plan Administrator and the Participant or as the Plan Administrator otherwise deems appropriate.

#### **4.8 Non-FMLA Leaves of Absence**

If a Participant goes on an unpaid leave of absence that does not affect eligibility, then the Participant will continue to participate and the Contributions due for the Participant will be paid by pre-payment before going on leave, by after-tax Contributions while on leave or with catch-up Contributions after the leave ends, as may be determined by the Plan Administrator.

If a Participant goes on an unpaid leave that affects eligibility, the election change rules set forth by this Plan will apply. To the extent COBRA applies, the Participant may continue coverage under COBRA.

#### 4.9 Death

A Participant's beneficiaries or representative of the Participant's estate, may submit claims for expenses that the Participant incurred through the date of death. A Participant may designate a specific beneficiary for this purpose. If no beneficiary is specified, the Plan Administrator or its designee may designate the Participant's Spouse, another Dependent, or representative of the estate. Claims incurred by the Participant's covered Spouse or any other of the Participant's covered Dependents prior to the end of the month in which the Participant dies may also be submitted for reimbursement.

#### 4.10 COBRA

Under the COBRA rules, as discussed in the attached Schedules B and C, where applicable, the Participant's Spouse and Dependents may be able to continue to participate under the **Health FSA** through the end of the Period of Coverage in which the Participant dies. The Participant's Spouse and Dependents may be required to continue making Contributions to continue their participation.

#### 4.11 USERRA

Notwithstanding any provision to the contrary in this Plan, if a Participant goes on a qualifying leave under USERRA, then to the extent required by USERRA, the Employer will continue the Benefits that provide health coverage on the same terms and conditions as if the Participant were still an active Employee. In the event of unpaid USERRA leave, a Participant may elect to continue such Benefits during the leave.

If the Participant elects to continue coverage while on USERRA leave, then the Participant may pay his or her share of the Contribution with:

- After-tax dollars, by sending monthly payments to the Employer by the due date established by the Employer; or
- Pre-tax dollars, by having such amounts withheld from the Participant's ongoing Compensation, if any, including unused sick days and vacation days.

Coverage will terminate if Contributions are not received by the due date established by the Employer. If a Participant's coverage ceases while on USERRA leave for any reason, including for non-payment of Contributions, the Participant will be entitled to re-enter such Benefit upon return from such leave on the date of such resumption of employment and will have the same opportunities to make elections under this Plan as persons returning from non-USERRA leaves. Regardless of anything to the contrary in this Plan, an Employee returning from USERRA leave has no greater right to Benefits for the remainder of the Plan Year than an Employee who has been continuously working during the Plan Year.

Section 5  
Method of Timing and Elections

**5.1 Initial Election**

An Employee must complete, sign and return a Salary Reduction Agreement within the election-period set forth therein to enroll in the Benefit Options, other than the **PPP**.

Unless otherwise specified by the Employer, an Employee who first becomes eligible to participate in the Plan mid-year will commence participation on the 1st day of the month coinciding with or after the date the Employee completes, signs and returns a Salary Reduction Agreement or completes a Salary Reduction Agreement using the electronic system produced by the Employer (if any), within the election period set forth therein.

Eligibility for Benefits shall be subject to the additional requirements, if any, specified in the applicable Benefit Option (see Glossary for definition). The provisions of this Plan are not intended to override any exclusions, eligibility requirements or waiting periods specified in the applicable Benefit Options.

**5.2 Open Enrollment**

During each Open Enrollment Period, the Plan Administrator shall make available a Salary Reduction Agreement to each Employee who is eligible to participate in the Plan. The Salary Reduction shall enable the Employee to elect to participate in the Benefit Options for the next Plan Year, and to authorize the necessary Salary Reductions to pay for the Benefits elected. The Employee must complete sign and return the Salary Reduction Agreement or complete an election using the electronic system provided by the Employer, if any, to the Plan Administrator on or before the last day of the Open Enrollment Period. There is an exception of automatic elections in the **PPP**.

If an Employee makes an election to participate during an Open Enrollment Period, then the Employee will become a Participant on the first day of the next Plan Year.

The Employer may, in lieu of a Salary Reduction Agreement, provide an electronic method for Employees to use to make elections. The Employer may require Employees to use the electronic system to make elections. Use of an electronic system will have the same effect as a signed Salary Reduction Agreement.

**5.3 Failure to Elect**

If an Employee fails to complete, sign and return a Salary Reduction Agreement or fails to complete an election using the electronic system (if any) provided by the Employer within the time described in the Elections paragraphs as discussed immediately above, then the Employee will be deemed to have elected to receive his or her entire Compensation in cash (excluding the **PPP**). The Employer provides for an automatic election for the **PPP**, therefore, the Employee will have also agreed to a Salary Reduction for such Employee's Contribution to the **PPP**.

Such Employee may not enroll in the Plan:

- Until the next Open Enrollment Period; or

- Until an event occurs that would justify a mid-year election change as described in the Irrevocability of Election and Exceptions section below.

Section 6  
**Irrevocability of Elections and Exceptions**

**6.1 Irrevocability of Elections**

A Participant's election under the Plan is irrevocable for the duration of the Period of Coverage to which it relates, except as described in this Section.

The irrevocability rules do not apply to the **HSA Contribution Benefit** election.

The rules regarding irrevocability of elections and exceptions are quite complex. The Plan Administrator will interpret these rules in accordance with prevailing IRS guidance.

**6.2 Procedure for Making New Election If Exception to Irrevocability Applies**

- **Timing for Making New Election if Exception to Irrevocability Applies.** A Participant may make a new election within 30 days of the occurrence of an event described in section 6.4 below, if the election under the new Salary Reduction Agreement is made on account of and corresponds to the event. A Change in Status, as defined below, that automatically results in ineligibility in the Health Plan shall automatically result in a corresponding election change, whether or not requested.
- **Effective Date of New Election.** Elections made pursuant to this Section shall be effective on the 1st of the month following or coinciding with the Plan Administrator's receipt and approval of the election request for the balance of the Period of Coverage following the change of election unless a subsequent event allows for a further election change. Except as provided in "Certain Judgments, Decrees and Orders" or for HIPAA special enrollment rights in the event of birth, adoption, or placement for adoption, all election changes shall be effective on a prospective basis only.
- **Changes.** For subsequent Plan Years, the maximum and minimum dollar limit may be changed by the Plan Administrator and shall be communicated to Employees through the Salary Reduction Agreement or other document.
- **Effect on Maximum Benefits.** Any change in an election affecting annual Contributions to the **Health FSA, Dental/Vision FSA, or DCAP** also will change the maximum reimbursement Benefits for the balance of the Period of Coverage commencing with the election change. Such maximum reimbursement Benefits for the balance of the Period of Coverage shall be calculated by adding:
  - Any Contributions made by the Participant as of the end of the portion of the Period of Coverage immediately preceding the change in election; to
  - The total Contributions scheduled to be made by the Participant during the remainder of such Period of Coverage to the Benefit Option; reduced by
  - All reimbursements made during the entire Period of Coverage.

### 6.3 Change in Status Defined

A Participant may make a new election that corresponds to a gain or loss of eligibility and coverage under this Plan or under any other plan maintained by the Employer or a plan of the Spouse's or Dependent's employer that was caused by the occurrence of a Change in Status. A Change in Status is any of the events described below, as well as any other events included under subsequent changes to Code §125 or regulations issued thereunder, which the Plan Administrator, in its sole discretion and on a uniform and consistent basis, determines are permitted under IRS regulations and under this Plan:

- **Legal Marital Status.** A change in a Participant's legal marital status including marriage, death of a Spouse, divorce, legal separation or annulment;
- **Number of Dependents.** Events that change a Participant's number of Dependents, including birth, death, adoption, and placement for adoption. In the case of the **DCAP**, a change in the number of Qualifying Individuals as defined in Code §21(b)(1);
- **Employment Status.** Any of the following events that change the employment status of the Participant, Spouse or Dependents:
  - A termination or commencement of employment;
  - A commencement of or return from an unpaid leave of absence;
  - A change in worksite; or
  - If the eligibility conditions of this Plan or another employee benefit plan of the Participant, Spouse or Dependent depend on the employment status of that individual and there is a change in that individual's status with the consequence that the individual becomes, or ceases to be, eligible under this Plan or another employee benefit plan;
- **Dependent Eligibility Requirements.** An event that causes a Dependent to satisfy or cease to satisfy the Dependent eligibility requirements for a particular Benefit; and
- **Change in Residence.** A change in the place of residence of the Participant, Spouse or Dependent(s).

### 6.4 Events Permitting Exception to Irrevocability Rule

A Participant may change an election as described below upon the occurrence of the stated events for the applicable Benefit Option.

The following rules shall apply to all Benefit Options except where expressly limited below.

- **Open Enrollment Period.** A Participant may change an election during the Open Enrollment Period.

- **Termination of Employment.** A Participant's election will terminate upon termination of employment as described in the Eligibility and Participation section above.
- **Leave of Absence.** A Participant may change an election upon a leave of absence as described in the Eligibility and Participation section above.
- **Change in Status.** *(Applies to the PPP, Health FSA, Dental/Vision FSA, and DCAP as limited below.)* A Participant may change the actual or deemed election under the Plan upon the occurrence of a Change in Status, but only if such election change corresponds with a gain or loss of eligibility and coverage under a plan of the Employer or a plan of the Spouse's or Dependent's employer, referred to as the general consistency requirement.

A Change in Status that affects eligibility for coverage also includes a Change in Status that results in an increase or decrease in the number of an Employee's family members who may benefit from the coverage.

The Plan Administrator, on a uniform and consistent basis, shall determine, based on prevailing IRS guidance, whether a requested change satisfies the general consistency requirement. Assuming that the general consistency requirement is satisfied, a requested election change must also satisfy the following specific consistency requirements in order for a Participant to be able to alter elections based on the specified Change in Status:

- **Loss of Spouse or Dependent Eligibility.** For a Change in Status involving a Participant's divorce, annulment or legal separation, the death of a Spouse or a Dependent, or a Dependent's ceasing to satisfy the eligibility requirements for coverage, a Participant may only elect to cancel health plan, dental plan, and/or vision plan coverage for:
  - The Spouse involved in the divorce, annulment, or legal separation;
  - The deceased Spouse or Dependent; or
  - The Dependent that ceased to satisfy the eligibility requirements.

Canceling coverage for any other individual under these circumstances fails to correspond with that Change in Status.

Notwithstanding the foregoing, if the Participant or his or her Spouse or Dependent becomes eligible for COBRA or similar health plan continuation coverage under the Employer's plan, then the Participant may increase his or her election to pay for such coverage. This rule does not apply to a Participant's Spouse who becomes eligible for COBRA or similar coverage as a result of divorce, annulment, or legal separation.

- **Gain of Coverage Eligibility under Another Employer's Plan.** When a Participant, Spouse or Dependent gains eligibility for coverage under a cafeteria plan or qualified benefit plan of the employer of that Participant's Spouse or Dependent, a Participant may elect to terminate or decrease coverage for that individual only if coverage for that individual becomes effective or is increased under the Spouse's or Dependent's employer's plan. The Plan Administrator may rely on a Participant's certification that the Participant has obtained or will obtain coverage

under the Spouse's or Dependent's employer's plan, unless the Plan Administrator has reason to believe that the Participant's certification is incorrect.

- **Special Consistency Rule for DCAP Benefits.** With respect to the **DCAP**, the Participant may change or terminate the Participant's election upon a Change in Status if:
  - Such change or termination is made on account of and corresponds with a Change in Status that affects eligibility for coverage under an Employer's plan; or
  - The election change is on account of and corresponds with a Change in Status that affects eligibility of Dependent Care Expenses for the tax exclusion under Code §129.
- **HIPAA Special Enrollment Rights** (*Applies to the PPP only*). If the Participant, the Participant's Spouse or Dependent is entitled to special enrollment rights under a group health plan as required by HIPAA, then the Participant may revoke a prior election for group health plan coverage and make a new election provided that the election change corresponds with such HIPAA special enrollment right. As more specifically defined by HIPAA, a special enrollment right will arise in the following circumstances:
  - The Participant, Spouse or Dependent declined to enroll in group health plan coverage because the Participant, the Participant's Spouse or Dependent had coverage, and eligibility for such coverage is subsequently lost because the coverage was provided under COBRA and the COBRA coverage was exhausted; or the coverage was non-COBRA coverage and the coverage terminated due to loss of eligibility for coverage or the employer contributions for the coverage were terminated;
  - The Participant acquired a new Dependent as a result of marriage, birth, adoption or placement for adoption; or
  - The Employee or Dependents who are eligible but did not enroll for coverage when initially eligible and:
    - The Employee or Dependent's Medicaid or Children's Health Insurance Program (CHIP) coverage terminated as a result of loss of eligibility and the Employee requests coverage under the Plan within 60 days after the termination; or
    - The Employee or Dependent becomes eligible for a premium assistance subsidy under Medicaid or CHIP, and the employee requests coverage under the Plan within 60 days after eligibility is determined.

An election to add previously eligible Dependents as a result of the acquisition of a new Spouse or Dependent child shall be considered to be consistent with the special enrollment right. An election change due to birth, adoption, or placement for adoption of a new Dependent child may, subject to the group health plan, be effective retroactively for up to 30 days.
- **Certain Judgments, Decrees and Orders.** (*Applies to the PPP, Health FSA, Dental/Vision FSA, but does not apply to the DCAP*). If a judgment, decree, or order resulting from a divorce, legal separation, annulment or change in legal custody, including a Qualified Medical Child Support



Order (QMCSO) requires accident or health coverage, including an election for **Health FSA** Benefits for a Participant's Dependent child, a Participant may:

- Change an election to provide coverage for the Dependent child provided that the order requires the Participant to provide coverage; or
- Change an election to revoke coverage for the Dependent child if the order requires that another individual provide coverage under that individual's plan and such coverage is actually provided.
- **Medicare and Medicaid.** (*Applies to the PPP, Health FSA, Dental/Vision FSA, but does not apply to the DCAP*). If a Participant, Spouse or Dependent is enrolled in a Benefit under this Plan and becomes entitled to Medicare or Medicaid (other than coverage consisting solely of benefits under Section 1928 of the Social Security Act providing for pediatric vaccines), the Participant may prospectively reduce or cancel the Health Plan covering the person, and the **Health FSA** coverage may be cancelled but not reduced. However, such cancellation will not be effective to the extent that it would reduce future contributions to the **Health FSA** or the **Dental/Vision FSA** to a point where the total contributions for the Plan Year are less than the amount already reimbursed for the Plan Year. Further, if a Participant, Spouse, or Dependent who has been entitled to Medicare or Medicaid loses eligibility for such coverage, the Participant may prospectively elect to commence or increase the **Health FSA** or the **Dental/Vision FSA** coverage.
- **Change in Cost.** (*Applies to the PPP and DCAP as limited below, but does not apply to the Health FSA or the Dental/Vision FSA*). For purposes of this Section, "similar coverage" means coverage for the same category of Benefits for the same individuals.
- **Insignificant Cost Changes.** The Participant is required to increase his or her elective Contributions to reflect insignificant increases in the required Contribution for the Benefit Options, and to decrease the elective Contributions to reflect insignificant decreases in the required Contribution. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will determine whether an increase or decrease is insignificant based upon all the surrounding facts and circumstances, including but not limited to the dollar amount or percentage of the cost change. The Plan Administrator, on a reasonable and consistent basis, will automatically make this increase or decrease in affected Participants' elective Contributions on a prospective basis.
- **Significant Cost Increases.** If the Plan Administrator determines that the cost charged to an Employee for a Benefit significantly increases during a Period of Coverage, the Participant may:
  - Make a corresponding prospective increase to elective Contributions by increasing Salary Reductions;
  - Revoke the election for that coverage, and in lieu thereof, receive on a prospective basis coverage under another Benefit Option that provides similar coverage; or
  - Terminate coverage going forward if there is no other Benefit Option available that provides similar coverage.

The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether a cost increase is significant.

- **Significant Cost Decreases.** If the Plan Administrator determines that the cost of any Benefit (such as the premium for the Health Plan) significantly decreases during a Period of Coverage, then the Plan Administrator may permit the following election changes:
  - Participants enrolled in that Benefit Option may make a corresponding prospective decrease in their elective contributions by decreasing Salary Reductions;
  - Participants who are enrolled in another benefit package option may change their election on a prospective basis to elect the Benefit Option that has decreased in cost; or
  - Employees who are otherwise eligible may elect the Benefit Option that has decreased in cost on a prospective basis, subject to the terms and limitations of the Benefit Option. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether a cost decrease is significant.
- **Limitation on Change in Cost Provisions for DCAP Benefits.** The above “Change in Cost” provisions apply to **DCAP** Benefits only if the cost change is imposed by a dependent care provider who is not a relative of the Employee.
- **Change in Coverage.** (*Applies to the **PPP** and **DCAP**, but not to the **Health FSA** or the **Dental/Vision FSA***). The definition of “similar coverage” applied in the Change of Cost provision above also applies here.
- **Significant Curtailment.** Coverage under a Plan is deemed to be “significantly curtailed” only if there is an overall reduction in coverage provided under the Plan to constitute reduced coverage generally. If coverage is “significantly curtailed,” Participants may elect coverage under a Benefit Option that provides similar coverage. In addition, if the coverage curtailment results in a “Loss of Coverage” as defined below, Participants may drop coverage if no similar coverage is offered by the Employer. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether a curtailment is “significant,” and whether a Loss of Coverage has occurred in accordance with prevailing IRS guidance.
  - **Significant Curtailment without Loss of Coverage.** If the Plan Administrator determines that a Participant’s coverage under a Benefit Option (or the Participant’s, Spouse’s or Dependent’s coverage under the respective employer’s plan) is significantly curtailed without a Loss of Coverage during a Period of Coverage, the Participant may revoke an election for the affected coverage and prospectively elect coverage under another Benefit Option if offered, that provides similar coverage.
  - **Significant Curtailment with a Loss of Coverage.** If the Plan Administrator determines that a Participant’s coverage under this Plan (or the Participant’s, Spouse’s or Dependent’s coverage under the respective employer’s plan) is significantly curtailed, and such curtailment results in a Loss of Coverage during a Period of Coverage, the Participant may revoke an election for the affected coverage, and may either prospectively elect coverage under another Benefit Option that provides similar coverage or drop coverage if no other Benefit Option providing similar coverage is offered by the Employer.

- **Definition of Loss of Coverage.** For purposes of this Section, a “Loss of Coverage” means a complete loss of coverage. In addition, the Plan Administrator in its sole discretion and on a uniform and consistent basis, may treat the following as a Loss of Coverage:
  - A substantial decrease in the health care providers available under the Benefit Package Plan;
  - A reduction in benefits for a specific type of medical condition or treatment with respect to which the Participant or his or her Spouse or Dependent is currently in a course of treatment; or
  - Any other similar fundamental loss of coverage.
- **Addition or Significant Improvement of a Benefit Option.** If during a Period of Coverage, the Plan adds a new Benefit Option or significantly improves an existing Benefit Option, the Plan Administrator may permit the following election changes:
  - Participants who are enrolled in a Benefit Option other than the newly-added or significantly improved Benefit Option that provides similar coverage may change their election on a prospective basis to cancel the current Benefit Option and instead elect the newly added or significantly improved Benefit Option; and
  - Employees who are otherwise eligible may elect the newly added or significantly improved Benefit Option on a prospective basis, subject to the terms and limitations of the Benefit Option. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether there has been an addition of, or a significant improvement in, a Benefit Option.
- **Loss of Coverage under Another Group Health Coverage.** A Participant may prospectively change an election to add group health coverage for the Participant, Spouse or Dependent, if such individual(s) loses coverage under any group health coverage sponsored by a governmental or educational institution, including, but not limited to, the following:
  - A children’s health insurance program (CHIP) under Title XXI of the Social Security Act;
  - A health care program of an Indian Tribal government (as defined in Code §7701(a)(40)), the Indian Health Service, or a tribal organization;
  - A state health benefits risk pool; or
  - A foreign government group health plan, subject to the terms and limitations of the applicable Benefit Option.
- **Change in Coverage under Another Employer Plan.** A Participant may make a prospective election change that is on account of and corresponds with a change made under an employer plan, including a plan of the Employer or a plan of the Spouse’s or Dependent’s employer, so long as:

- The other cafeteria plan or qualified benefits plan permits its participants to make an election change that would be permitted under applicable IRS regulations; or
- The Plan permits Participants to make an election for a Period of Coverage that is different from the plan year under the other cafeteria plan or qualified benefits plan.

The Plan Administrator, on a uniform and consistent basis, will decide whether a requested change is because of, and corresponds with, a change made under the other employer plan.

- **Enrollment in a Group Health Plan that Offers Minimal Essential Coverage or in a Health Care Exchange or Marketplace.** An Employee may make a **prospective** election change that is on account of and corresponds with a change to his/her PPP election, so long as:
  - The Employee's employment status changes from an expectation to work 30 hours or more per week to an expectation to work less than 30 hours per week (even if that change fails to make the Employee ineligible for Employer-sponsored group health plan coverage); AND the Employee enrolls in a group health plan that offers minimal essential coverage (as defined by the Affordable Care Act) with a new coverage effective date no later than the first day of the second month following the month that includes the date the original coverage is revoked; or
  - The Employee is eligible for a Special Enrollment Period to enroll in a Qualified Health Plan through a Marketplace or the Employee seeks to enroll in a Marketplace during the Marketplace's annual open enrollment period; AND the Employee enrolls in the Marketplace with a new coverage effective date no later than the day immediately following the last day the original coverage is revoked.
- **Change in Dependent Care Service Provider.** A Participant may make a prospective election change that corresponds with a change in the dependent care service provider. For example:
  - If the Participant terminates one dependent care service provider and hires a new dependent care service provider, the Participant may change coverage to reflect the cost of the new service provider; and
  - If the Participant terminates a dependent care service provider because a relative or other person becomes available to take care of the child at no charge, the Participant may cancel coverage.

A Participant entitled to change an election as described in this Section must do so in accordance with the procedures described in this Section.

## 6.5 Election Modifications for HSA Contribution Benefits May be Changed Prospectively At Any Time

As set forth in Schedule C, an election to make a Contribution to an **HSA Contribution Benefit** can be increased, decreased or revoked at any time on a prospective basis. Such election changes shall be effective no later than the 1<sup>st</sup> day of the next calendar month following the date that the election change was filed. No other Benefit Option election changes can occur as a result of a change in an **HSA Contribution Benefit** election except as otherwise permitted in this Section.

A Participant entitled to change an election as described in this Section must do so in accordance with the procedures established by the applicable participating Employer or Health Plan.

#### **6.6 Election Modifications Required by Plan Administrator**

The Plan Administrator may require, at any time, any Participant or class of Participants to amend their Salary Reductions for a Period of Coverage if the Plan Administrator determines that such action is necessary or advisable in order to:

- Satisfy any of the Code's nondiscrimination requirements applicable to this Plan or another cafeteria plan;
- Prevent any Employee or class of Employees from having to recognize more income for federal income tax purposes from the receipt of Benefits hereunder than would otherwise be recognized;
- Maintain the qualified status of Benefits received under this Plan; or
- Satisfy any of the Code's nondiscrimination requirements or other limitations applicable to the Employer's qualified Plans.

In the event that Contributions need to be reduced for a class of Participants, the Plan Administrator will reduce the Salary Reduction amounts for each affected Participant, beginning with the Participant in the class who had elected the highest Salary Reduction amount, and continuing with the Participant in the class who had elected the next-highest Salary Reduction amount, and so forth, until the defect is corrected.

**Section 7**  
**Claims and Appeals****7.1 Claims under the Plan**

If a claim for reimbursement under the **Health FSA, Dental/Vision FSA, or DCAP** is wholly or partially denied, or if the Participant is denied a Benefit under the Plan regarding the Participant's coverage under the Plan, then the claims procedure described below will apply.

**7.2 Notice from ASI**

If a claim is denied in whole or in part, ASI will notify the Participant in writing within 30 days of the date that ASI received the claim. This time may be extended for an additional 15 days for matters beyond the control of ASI, including cases where a claim is incomplete. ASI will provide written notice of any extension, including the reason(s) for the extension and the date a decision by ASI is expected to be made. When a claim is incomplete, the extension notice will also specifically describe the required information, and will allow the Participant at least 45 days from receipt of the notice to provide the specified information, and will have the effect of suspending the time for a decision on the claim until the specified information is provided. Notification of a denied claim will include:

- The specific reasons for the denial;
- The specific Plan provisions on which the denial is based;
- A description of any additional material or information necessary to validate the claim and an explanation of why such material or information is necessary; and
- Appropriate information on the steps to take to appeal ASI's adverse benefits determination, including the right to submit written comments and have them considered, and the right to review, upon request and at no charge, relevant documents and other information, and the right to file suit, where applicable, with respect to any adverse benefits determination after the final appeal of the claim.

**7.3 First Level Appeal to ASI**

If a claim is denied in whole or in part, the Participant, or the Participant's authorized representative, may request a review of the adverse benefits determination upon written application to ASI. The Participant, or the Participant's authorized representative, may request access to all relevant documents in order to evaluate whether to request review of an adverse benefits determination and, if review is requested, to prepare for such review.

An appeal of an adverse benefits determination must be made in writing within 90 days upon receipt of the notice that the claim was denied. If an appeal is not made within the above referenced timeframe all rights to appeal the adverse benefits determination and to file suit in court will be forfeited unless otherwise protected by law. A written appeal should include: additional documents, written comments, and any other information in support of the appeal. The review of the adverse benefits determination will take into account all new information, whether or not presented or available at the initial determination. No deference will be afforded to the initial determination.

#### **7.4 ASI Action on Appeal**

ASI, within a reasonable time, but no later than 60 days after receipt of the request for review, will decide the appeal. ASI may, in its discretion, hold a hearing on the denied claim. Any medical expert consulted in connection with the appeal will be different from and not subordinate to any expert consulted in connection with the initial claim denial. The identity of any medical expert consulted in connection with the appeal will be provided. If the decision on review affirms the initial denial of the claim, a notice will be provided which sets forth:

- The specific reasons for the decision on review;
- The specific Plan provisions on which the decision is based;
- A statement regarding the right to review, upon request and at no charge, relevant documents and other information. If an internal rule, guideline, protocol, or other similar criterion is relied on in making the decision on review, a description of the specific rule, guideline, protocol, or other similar criterion or a statement that such a rule, guideline, protocol, or other similar criterion was relied on and that a copy of such rule, guideline, protocol, or other criterion will be provided free of charge upon request; and
- Appropriate information on the steps to take to appeal ASI's adverse benefits determination, including the right to submit written comments and have them considered, and the right to review, upon request and at no charge, relevant documents and other information, and the right to file suit, where applicable, with respect to any adverse benefits determination after the final appeal of the claim.

#### **7.5 Second and Final Level Appeal to the Plan Administrator**

If the decision on review affirms ASI's initial denial, the Participant may request a review of the adverse appeal determination upon written application to the Plan Administrator.

The Participant, or the Participant's authorized representative, may request access to all relevant documents in order to evaluate whether to request review of an adverse benefits determination and, if review is requested, to prepare for such review.

An appeal of an adverse appeal determination must be made in writing within 30 days after receipt of the notice that the first level appeal was denied. If an appeal is not made within the above referenced timeframe all rights to appeal the adverse benefits determination and to file suit in court will be forfeited unless otherwise protected by law. A written appeal should include: additional documents, written comments, and any other information in support of the appeal. The review of the adverse benefits determination will take into account all new information, whether or not presented or available at the initial determination. No deference will be afforded to the prior determination.

#### **7.6 Plan Administrator Action on Appeal**

The Plan Administrator, within a reasonable time, but no later than 60 days after receipt of the request for review, will decide the appeal. The Plan Administrator may, in its discretion, hold a hearing on the denied claim. Any medical expert consulted in connection with the appeal will be different from and not subordinate to any expert consulted in connection with the prior claim denial. The identity of any medical

expert consulted in connection with the appeal will be provided. If the decision on review affirms the initial denial of the claim, a notice will be provided which sets forth:

- The specific reason(s) for the decision on review;
- The specific Plan provision(s) on which the decision is based;
- A statement regarding the right to review, upon request and at no charge, relevant documents and other information. If an internal rule, guideline, protocol, or other similar criterion is relied on in making the decision on review, a description of the specific rule, guideline, protocol, or other similar criterion or a statement that such a rule, guideline, protocol, or other similar criterion was relied on and that a copy of such rule, guideline, protocol, or other criterion will be provided free of charge upon request.

### **7.7 Appeal Procedure for Eligibility or Salary Reduction Issues**

If the Participant is denied a Benefit under the Plan due to questions regarding the Participant's eligibility or entitlement for coverage under the Plan or regarding the amount the Participant owes, the Participant may request a review upon written application to the Plan Administrator.

The Participant, or the Participant's authorized representative, may request access to all relevant documents in order to evaluate whether to request review of an adverse benefits determination and if review is requested, to prepare for such review.

An appeal of an adverse benefits determination must be made in writing within 180 days upon receipt of the notice that the claim was denied. If an appeal is not made within the above referenced timeframe all rights to appeal the adverse benefits determination and to file suit in court will be forfeited unless otherwise protected by law. A written appeal should include: additional documents, written comments, and any other information in support of the appeal. The review of the adverse benefits determination will take into account all new information, whether or not presented or available at the initial determination. No deference will be afforded to the initial determination.

The Plan Administrator, within a reasonable time, but no later than 30 days after receipt of the request for review, will decide the appeal. The Plan Administrator may, in its discretion, hold a hearing on the denied claim. Any medical expert consulted in connection with the appeal will be different from and not subordinate to any expert consulted in connection with the initial claim denial. The identity of any medical expert consulted in connection with the appeal will be provided. If the decision on review affirms the initial denial of the claim, a notice will be provided which sets forth:

- The specific reasons for the decision on review;
- The specific Plan provisions on which the decision is based;
- A statement regarding the right to review, upon request and at no charge, relevant documents and other information. If an "internal rule, guideline, protocol, or other similar criterion" is relied on in making the decision on review, a description of the specific rule, guideline, protocol, or other similar criterion or a statement that such a rule, guideline, protocol, or other similar criterion was relied on and that a copy of such rule, guideline, protocol, or other criterion will be provided free of charge upon request; and



- Appropriate information on the steps to take to appeal the Plan Administrator's adverse benefits determination, including the right to submit written comments and have them considered, and the right to review, upon request and at no charge, relevant documents and other information, and the right to file suit, where applicable, with respect to any adverse benefits determination after the final appeal of the claim.

If the decision on review affirms the Plan Administrator's denial, the Participant may request a review of the adverse appeal determination upon written application to the Plan Administrator. The Second and Final Level of Appeals Procedures described above will apply.

Section 8 Plan Administration
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**8.1 Plan Administrator**

The administration of this Plan shall be under the supervision of the Plan Administrator. It is the principal duty of the Plan Administrator to see that this Plan is carried out in accordance with the terms of the Plan document and for the exclusive benefit of persons entitled to participate in this Plan and without discrimination among them.

**8.2 Powers of the Plan Administrator**

The Plan Administrator shall have such powers and duties as may be necessary or appropriate to discharge its functions hereunder. The Plan Administrator shall have final discretionary authority to make such decisions and all such determinations shall be final, conclusive and binding. The Plan Administrator shall have the exclusive right to interpret the Plan and to decide all matters hereunder. The Plan Administrator shall have the following discretionary authority:

- To construe and interpret this Plan, including all possible ambiguities, inconsistencies and omissions in the Plan and related documents, and to decide all questions of fact, questions relating to eligibility and participation, and questions of Benefits under this Plan (provided that the Plan Administrator shall exercise such exclusive power with respect to an appeal of a claim);
- To prescribe procedures to be followed and the forms to be used by Employees and Participants to make elections pursuant to this Plan;
- To prepare and distribute information explaining this Plan and the Benefits under this Plan in such manner as the Plan Administrator determines to be appropriate;
- To request and receive from all Employees and Participants such information as the Plan Administrator shall from time to time determine to be necessary for the proper administration of this Plan;
- To furnish each Employee and Participant with such reports in relation to the administration of this Plan as the Plan Administrator determines to be reasonable and appropriate, including appropriate statements setting forth the amounts by which a Participant's Compensation has been reduced in order to provide Benefits under this Plan;
- To receive, review and keep on file such reports and information concerning the Benefits covered by this Plan as the Plan Administrator determines from time to time to be necessary and proper;
- To appoint and employ such individuals or entities to assist in the administration of this Plan as it determines to be necessary or advisable, including legal counsel and Benefit consultants;
- To sign documents for the purposes of administering this Plan, or to designate an individual or individuals to sign documents for the purposes of administering this Plan;
- To secure independent medical or other advice and require such evidence as deemed necessary to decide any claim or appeal; and

- To maintain the books of accounts, records, and other data in the manner necessary for proper administration of this Plan and to meet any applicable disclosure and reporting requirements.

### **8.3 Reliance on Participant, Tables, etc.**

The Plan Administrator may rely upon the Participant's direction, information or election as being proper under the Plan and shall not be responsible for any act or failure to act because of a direction or lack of direction by the Participant. The Plan Administrator will also be entitled, to the extent permitted by law, to rely conclusively on all tables, valuations, certificates, opinions and reports that are furnished by accountants, attorneys, or other experts employed or engaged by the Plan Administrator.

### **8.4 Outside Assistance**

The Plan Administrator may employ such counsel, accountants, claims administrators, consultants, actuaries and other person or persons as the Plan Administrator shall deem advisable. The Plan shall pay the compensation of such counsel, accountants, and other person or persons and any other reasonable expenses incurred by the Plan Administrator in the administration of the Plan. Unless otherwise provided in the service agreement, obligations under this Plan shall remain the obligations of the Employer and the Plan Administrator.

### **8.5 Insurance Contracts**

The Employer and/or some of the related employers adopting this Plan may have the right to enter into a contract with one or more insurance companies or self-fund for the purposes of providing any Benefits under the Plan; and to replace any of such insurance companies, contracts, or benefits. Any dividends, retroactive rate adjustments or other refunds of any type that may become payable under any such insurance contract shall not be assets of the Plan but shall be the property of, and be retained by, the Employer, to the extent that such amounts are less than aggregate Employer Contributions toward such insurance.

### **8.6 Fiduciary Liability**

To the extent permitted by law, the Plan Administrator shall not incur any liability for any acts or for failure to act.

### **8.7 Inability to Locate Payee**

If the Plan Administrator is unable to make payment to the Participant or another person to whom a payment is due under the Plan because it cannot ascertain the identity or whereabouts of the Participant or such other person after reasonable efforts have been made to identify or locate such person, then such payment and all subsequent payments otherwise due to the Participant or such other person shall be sent to the state's unclaimed property division.

### **8.8 Effect of Mistake**

In the event of a mistake as to the eligibility or participation of an Employee, or the allocations made to the Participant's account, or the amount of Benefits paid or to be paid to the Participant or another person, the Plan Administrator shall, to the extent administratively possible and otherwise permissible under Code §125 or the regulations issued thereunder, correct by making the appropriate adjustments of

such amounts as necessary to credit the Participant's account or such other person's account or withhold any amount due to the Plan or the Employer from Compensation paid by the Employer.

Section 9  
**Amendment or Termination of the Plan**

**9.1 Permanency**

While the Employer fully expects that this Plan will continue indefinitely, due to unforeseen, future business contingencies, permanency of the Plan will be subject to the Employer's right to amend or terminate the Plan, as provided in the paragraphs below.

**9.2 Right to Amend**

The Employer reserves the right to merge or consolidate the Plan and to make any amendment or restatement to the Plan from time-to-time, including those which are retroactive in effect. Such amendments may be applicable to any Participant.

Any amendment or restatement shall be deemed to be duly executed when properly promulgated under the requirements of Chapter 536.

**9.3 Right to Terminate**

The Plan Administrator reserves the right to discontinue or terminate the Plan in whole or in part at any time without prejudice. A related employer has the right to discontinue participating in the Plan at the end of each calendar year.

**Section 10  
General Provisions****10.1 No Contract of Employment**

Nothing contained in the Plan shall be construed as a contract of employment with the Employer or as a right of any Employee to be continued in the employment of the Employer, or as a limitation of the right of the Employer to discharge any Employee, with or without cause.

**10.2 Compliance with Federal Mandates**

To the extent applicable for each Benefit Option, the Plan will provide Benefits in accordance with the requirements of all federal mandates, including USERRA, COBRA, and HIPAA. This Plan shall be construed, operated and administered accordingly, and in the event of any conflict between any part, clause or provision of this Plan and the Code, the provisions of the Code shall be deemed controlling, and any conflicting part, clause or provision of this Plan shall be deemed superseded to the extent of the conflict.

**10.3 Verification**

The Plan Administrator shall be entitled to require reasonable information to verify any claim or the status of any person as an Employee or Dependent. If the Participant does not supply the requested information within the applicable time limits or provide a release for such information, the Participant will not be entitled to Benefits under the Plan.

**10.4 Limitation of Rights**

Nothing appearing in or done pursuant to the Plan shall be held or construed:

- To give any person any legal or equitable right against the Employer, any of its employees, or persons connected therewith, except as provided by law; or
- To give any person any legal or equitable right to any assets of the Plan or any related trust, except as expressly provided herein or as provided by law.

**10.5 Non-Assignability of Rights**

The right of any Participant to receive any reimbursement under this Plan shall not be alienable by the participant by assignment or any other method and shall not be subject to claims by the Participant's creditors by any process whatsoever. Any attempt to cause such right to be so subjected will not be recognized, except to the extent required by law.

**10.6 Governing Law**

This Plan is intended to be construed, and all rights and duties hereunder are governed, in accordance with the laws of the State of Missouri, except to the extent such laws are preempted by any federal law.

### **10.7 Severability**

If any provision of the Plan is held invalid or unenforceable, its validity or unenforceability shall not affect any other provision of the Plan, and the Plan shall be construed and enforced as if such provision had not been included herein.

### **10.8 Captions**

The captions contained herein are inserted only as a matter of convenience and for reference and in no way define, limit, enlarge or describe the scope or intent of the Plan nor in any way shall affect the Plan or the construction of any provision thereof.

### **10.9 Federal Tax Disclaimer**

To ensure compliance with requirements imposed by the IRS to the extent this Plan Document or any Schedule contains advice relating to a federal tax issue, it is not intended or written to be used, and it may not be used, for the purpose of avoiding any penalties that may be imposed on the Participant or any other person or entity under the Internal Revenue Code or promoting, marketing or recommending to another party any transaction or matter addressed herein.

### **10.10 No Guarantee of Tax Consequences**

Neither the Plan Administrator nor the Employer make any commitment or guarantee that any amounts paid to the Participant or for the Participant's benefit under this Plan will be excludable from the Participant's gross income for federal, state or local income tax purposes. It shall be the Participant's obligation to determine whether each payment under this Plan is excludable from the Participant's gross income for federal, state and local income tax purposes, and to notify the Plan Administrator if the Participant has any reason to believe that such payment is not so excludable.

### **10.11 Indemnification of Employer**

If the Participant receives one or more payments or reimbursements under this Plan on a pre-tax Salary Reduction basis, and such payments do not qualify for such treatment under the Code, the Participant shall indemnify and reimburse the Employer for any liability the Employer may incur for failure to withhold federal income taxes, Social Security taxes, or other taxes from such payments or reimbursements.

**Section 11**  
**HIPAA Privacy and Security****11.1 Provision of Protected Health Information to Employer**

For purposes of this Section, Protected Health Information (PHI) shall have the meaning as defined in HIPAA. PHI means information that is created or received by the Plan and relates to the past, present, or future physical or mental health or condition of a Participant; the provision of health care to a Participant; or the past, present, or future payment for the provision of health care to a Participant; and that identifies the Participant or for which there is a reasonable basis to believe the information can be used to identify the Participant. PHI includes information of persons living or deceased.

Members of the Employer's workforce have access to the individually identifiable health information of Plan Participants for administrative functions of the **Health FSA** and the **Dental/Vision FSA**, plus any other Benefit Option which might be subject to the privacy and security provisions of HIPAA (hereinafter referred to collectively as the Plan). When this health information is provided to the Employer, it is PHI. HIPAA and its implementing regulations restrict the Employer's ability to use and disclose PHI. The Employer shall have access to PHI from the Plan only as permitted under this Section or as otherwise required or permitted by HIPAA.

**11.2 Permitted Disclosure of Enrollment/Disenrollment Information**

The Plan Administrator or ASI may disclose to the Employer information on whether the individual is participating in the Plan.

**11.3 Permitted Uses and Disclosure of Summary Health Information**

The Plan may disclose Summary Health Information to the Employer, provided that the Employer requests the Summary Health Information for the purpose of modifying, amending, or terminating the Plan.

Summary Health Information means information:

- That summarizes the claims history, claims expenses, or type of claims experienced by individuals for whom a plan sponsor had provided health benefits under a health plan; and
- From which the required information has been deleted, except that the geographic information need only be aggregated to the level of a five-digit ZIP code.

**11.4 Permitted and Required Uses and Disclosure of PHI for Plan Administration Purposes**

Unless otherwise permitted by law, and subject to the conditions of disclosure and obtaining written certification described below, the Plan may disclose PHI to the Employer, provided that the Employer uses or discloses such PHI only for Plan Administration Purposes.

Plan Administration Purposes means administration functions performed by the Employer on behalf of the Plan, such as quality assurance, claims processing, auditing, and monitoring. Plan Administration functions do not include functions performed by the Employer in connection with any other benefit or benefit plan of the Employer, and they do not include any employment-related functions.



Notwithstanding the provisions of this Plan to the contrary, in no event shall the Employer be permitted to use or disclose PHI in a manner that is inconsistent with 45 CFR § 164.504(f).

#### **11.5 Conditions of Disclosure for Plan Administration Purposes**

Employer agrees that with respect to any PHI (other than enrollment/disenrollment information and Summary Health Information, which are not subject to these restrictions) disclosed to it, the Employer shall:

- Not use or further disclose PHI other than as permitted or required by the Plan or as required by law;
- Ensure that any agent, including a subcontractor, to whom it provides PHI received from the Plan agrees to the same restrictions and conditions that apply to the Employer with respect to PHI;
- Not use or disclose the PHI for employment-related actions and decisions;
- Report to the Plan any use or disclosure of the information that is inconsistent with the uses or disclosures provided for of which it becomes aware;
- Make available PHI to comply with HIPAA's right to access in accordance with 45 CFR §164.524;
- Make available PHI for amendment and incorporate any amendments to PHI in accordance with 45 CFR §164.526;
- Make available the information required to provide an accounting of disclosures in accordance with 45 CFR §164.528;
- Make its internal practices, books, and records relating to the use and disclosure of PHI received from the Plan available to the Secretary of Health and Human Services for purposes of determining compliance with HIPAA's privacy and security requirements;
- If feasible, return or destroy all PHI received from the Plan that the Employer still maintains in any form and retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible; and
- Ensure that the adequate separation between the Plan and the Employer (i.e., the "firewall"), required in 45 CFR §504(f)(2)(iii), is satisfied.

The Employer further agrees that if it creates, receives, maintains, or transmits any electronic PHI (other than enrollment/disenrollment information and Summary Health Information, which are not subject to these restrictions) on behalf of the Plan, it will implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic PHI, and it will ensure that any agents, including subcontractors, to whom it provides such electronic PHI agrees to implement reasonable and appropriate security measures to protect the information. The Employer will report to the Plan any security incident of which it becomes aware.

**11.6 Adequate Separation between Plan and Employer**

The Employer shall designate such employees of the Employer who need access to PHI in order to perform Plan administration functions that the Employer performs for the Plan such as quality assurance, auditing, monitoring, payroll, and appeals. No other persons shall have access to PHI. These specified employees, or classes of employees, shall only have access to and use of PHI to the extent necessary to perform the plan administration functions that the Employer performs for the Plan.

In the event that any of these designated employees do not comply with the provisions of this Section, that employee shall be subject to disciplinary action by the Employer for non-compliance pursuant to the Employer's employee discipline and termination procedures.

The Employer will ensure that the provisions of this Section are supported by reasonable and appropriate security measures to the extent that the designees have access to electronic PHI.

**11.7 Certification of Plan Sponsor**

The Plan shall disclose PHI to the Employer only upon the receipt of a certification by the Employer that the Plan has been amended to incorporate the provisions of 45 CFR §164.504(f)(2)(ii), and that the Employer agrees to the conditions of disclosure set forth under the section entitled *Conditions of Disclosure for Plan Administration Purposes*.

**11.8 Organized Health Care Arrangement**

The Plan Administrator intends the Plan to form part of an Organized Health Care Arrangement along with any other Benefit Option under a covered health plan under 45 CFR §160.103 provided by Employer.

**IN WITNESS WHEREOF**, and as conclusive evidence of the adoption of the foregoing instrument comprising the State of Missouri Cafeteria Plan, State of Missouri has caused this Plan to be executed in its name and on its behalf, on this \_\_\_\_ day of \_\_\_\_\_, 2020.

State of Missouri

By: \_\_\_\_\_

Its: \_\_\_\_\_

Attest: \_\_\_\_\_

Its: \_\_\_\_\_

Glossary

Capitalized terms used in the Plan have the following meanings:

**Account** means the account(s) maintained under this Cafeteria Plan by the Plan Administrator to which allocations of employer contributions are made for each participant as required by this Cafeteria Plan and from which payments, as permitted by this Cafeteria Plan, shall be paid.

**Benefit or Benefits** means the Benefit Options offered under the Plan.

**Benefit Eligible Employee** means an Employee eligible for a group health insurance plan sponsored by the Employer. A Benefit Eligible Employee is eligible to enroll in all of the benefit plans under this Plan, including the PPP, the Health FSA, the Dental/Vision FSA, and/or the DCAP. Eligibility for the different benefit plans under this Plan is also defined in Section 4.1.

**Benefit Option** means a qualified benefit under Code §125(f) that is offered under this Cafeteria Plan, or an option for coverage under an underlying accident or health plan.

**Cafeteria Plan** means the State of Missouri Cafeteria Plan as set forth herein and as amended from time to time.

**Claims Administrator** means Application Software, Inc., dba ASI, dba ASIFlex.

**Claims Filing Deadline** means the 15<sup>th</sup> of the fourth month following the end of the Plan Year in which the claims were incurred (i.e., April 15<sup>th</sup> immediately following the end of the Plan Year). All claims must be submitted by this deadline; any remaining funds that are unclaimed will be forfeited. The **Claims Filing Deadline** may be extended only at the discretion of the Plan Administrator; participants will be notified of any extension of the deadline on the Plan's website.

**COBRA** means the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended.

**Code** means the Internal Revenue Code of 1986, as amended.

**Compensation** means the wages or salary paid to an Employee by the Employer, determined prior to: any Salary Reduction election under this Plan; any Salary Reduction election under any other cafeteria plan; any compensation reduction under any Code §132(f)(4) plan; and any salary deferral elections under any Code §§401(k), 408(k) or 457(b) Plan or arrangement.

**Contribution** means the amount contributed to pay for the cost of Benefits as calculated under the Benefit Options.

**DCAP** means Dependent Care Assistance Program.

**Dental and Vision Expenses** has the meaning defined in the **Dental/Vision FSA** Schedule below (see Schedule E).

**Dependent** means any individual who is a tax dependent of the Participant as defined in Code §§105(b) and 152, with the following exceptions:

- For purposes of accident or health coverage (to the extent funded under the **PPP** and for purposes of the **Health FSA**):
  - A dependent is defined as in Code §§105(b) and 152, determined without regard to §152 subsections (b)(1), (b)(2), and (d)(1)(B) thereof; and
  - Any child whom IRS Rev. Proc. 2008-48 applies (regarding certain children of divorced or separated parents who receive more than half of their support for the calendar year from one or both parents and are in the custody of one or both parents for more than half of the calendar year) is treated as a dependent of both parents; and
- For purposes of the **DCAP**, a dependent means a Qualifying Individual.

Notwithstanding the foregoing, the **Health FSA** Component will provide Benefits in accordance with the applicable requirements of any QMCSO, even if the child does not meet the definition of “Dependent.”

**Dental Plan** means the group dental insurance benefit plan sponsored by the Employer.

**Dependent Care Assistance Program** means the dependent care assistance program component established by Employer under the Plan. It allows the Participant to use pre-tax dollars to pay for the care of the Participant’s eligible Dependents while the Participant is at work.

**Dependent Care Expenses** has the meaning described in the **DCAP** Schedule below (see Schedule D).

**Earned Income** means all income derived from wages, salaries, tips, self-employment, and other compensation (such as disability or wage continuation Benefits), but only if such amounts are includible in gross income for the taxable year. Earned income does not include: any amounts received pursuant to any **DCAP** established under Code §129; or any other amounts excluded from earned income under Code §32(c)(2), such as amounts received under a pension or annuity, or pursuant to workers’ compensation.

**Effective Date** of this Plan shall be July 1, 2021.

**Employee** means any person employed by the employer. An Employee is eligible to enroll in the **DCAP**. Eligibility for the different benefit plans under this Plan is also defined in Section 4.1.

The following classes of employees cannot participate in the State of Missouri Cafeteria Plan:

- Leased employees (as defined by §414 (n) of the Code);
- Contract workers and independent contractors; and
- Individuals paid by a temporary or other employment or staffing agency.

**Employer** means State of Missouri including any agency, or department of the State of Missouri other than the University of Missouri and Southeast Missouri State University.

**ERISA** means the Employee Retirement Income Security Act of 1974, as amended.

**FMLA** means the Family and Medical Leave Act of 1993, as amended.

**Grace Period** means a period of time as specified by the Employer in which qualified Medical Care Expenses and/or Dependent Care Expenses incurred during the period may be paid or reimbursed from benefits or contributions remaining unused at the end of the immediately preceding Plan year from each respective account. Such Grace Period shall not extend beyond the fifteenth day of the third calendar month after the end of the immediately preceding Plan Year to which the Grace Period relates.

**HDHP** means High Deductible Health Plan.

**Health Care Expenses** has the meaning defined in the **Health FSA** Schedule below (see Schedule B).

**Health Flexible Spending Account** means the health flexible spending account component established by the Employer under the Plan. It allows a Participant to use pre-tax dollars to pay for most health and dental expenses not reimbursed under other programs.

**Health FSA** means Health Flexible Spending Account.

**Health Plan** means the group health insurance benefit plan sponsored by the Employer.

**Health Savings Account** means the savings account Benefit Option established by the Employer's designee under this Plan.

**High Deductible Health Plan** means the high deductible health plan offered by the Employer that is intended to qualify as a high deductible health plan under Code §223(c)(2), as described in materials provided separately by the Employer.

**HIPAA** means the Health Insurance Portability and Accountability Act of 1996, as amended.

**HSA** means a Health Savings Account established under Code §223. Such arrangements are individual trusts or custodial accounts, each separately established and maintained by an Employee with a qualified trustee/custodian.

**HSA Contribution Benefit** means the election to allow an Employee to receive HSA Contributions on a pre-tax, Salary Reduction basis and such Employer Contributions are excludable from the HSA Employee's income.

**HSA Employee** means an Employee covered under a qualifying High Deductible Health Plan (HDHP) (as defined by IRC §223). In order to receive Employer **HSA Contribution Benefit**, the Employee must certify that he or she: cannot be claimed as another person's tax dependent; is not entitled to Medicare Benefits, and does not have any health coverage other than HDHP coverage.

**Dental/Vision Flexible Spending Account** means the limited scope health flexible spending account component established by the Employer under the Plan. It allows a Participant to use pre-tax dollars to pay for dental and vision expenses not reimbursed under other programs. This account is sometimes referred to as a Limited Scope Health Flexible Spending Account

**Dental/Vision FSA** means Dental/Vision Flexible Spending Account.

**Office of Administration** means the Office of Administration of the State of Missouri.

**Open Enrollment Period** with respect to a Plan Year means a period as described by the Plan Administrator preceding the Plan Year during which Participants may make Benefit elections for the Plan Year.

**Participant** means a person who is an Employee and who is participating in this Plan in accordance with the provisions of the Eligibility and Participation Section. Participants include: (a) those that elect to receive Benefits under this Plan, and enroll for Salary Reductions to pay for such Benefits; and (b) those that elect instead to receive their full salary in cash and have not elected the **Health FSA** or **DCAP**.

**Period of Coverage** means the Plan Year, with the following exceptions: for Employees who first become eligible to participate, it shall mean the portion of the Plan Year following the date participation commences, as described in the Eligibility and Participation Section; and for Employees who terminate participation, it shall mean the portion of the Plan Year prior to the date participation terminates, as described in the Eligibility and Participation Section.

**PHI** means Protected Health Information.

**Plan** means the State of Missouri Cafeteria Plan, as set forth herein and as amended from time to time.

**Plan Administrator** means the Office of Administration or its duly appointed designee to administer this Cafeteria Plan.

**Plan Year** means the twelve-month period ending December 31.

**PPP** means the Premium Payment Plan.

**Premium Payment Plan** means the Benefit Option in which an Employee can elect to participate and have Contributions for the employer-sponsored Health Plan, Dental Plan, or Vision Plan paid on a pre-tax basis.

**Protected Health Information (PHI)** means information that is created or received by State of Missouri Cafeteria Plan and relates to the past, present, or future physical, mental health or condition of a Participant; the provision of health care to a participant; or the past, present, or future payment for the provision of health care to a Participant; and that identifies the Participant or for which there is a reasonable basis to believe the information can be used to identify the Participant. Protected health information includes information of persons living or deceased.

**QMCSO** means a Qualified Medical Child Support Order, as defined in ERISA §609(a).

**Qualifying Dependent Care Services** has the meaning described in the **DCAP** Schedule below (see Schedule D).

**Qualifying Individual** means:

- A tax dependent of the Participant as defined in Code §152 who is under the age of 13 and who is the Participant's qualifying child as defined in Code §152(a)(1);
- A tax dependent of the Participant as defined in Code §152, but determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof, who is physically or mentally incapable of self-

care and who has the same principal place of abode as the Participant for more than half of the year; or

- A Participant's Spouse who is physically or mentally incapable of self-care, and who has the same principal place of abode as the Participant for more than half of the year.

Notwithstanding the foregoing, in the case of divorced or separated parents, a Qualifying Individual who is a child shall, as provided in Code §21(e)(5), be treated as a Qualifying Individual of the custodial parent (within the meaning of Code §152(e)) and shall not be treated as a Qualifying Individual with respect to the non-custodial parent.

**Related Employer** means any employer affiliated with State of Missouri that, under Code §414(b), (c), or (m), is treated as a single employer with State of Missouri for purposes of Code §125(g)(4), and which is listed in Appendix B.

**Salary Reduction** means the amount by which the Participant's Compensation is reduced and applied by the Employer under this Plan to pay for one or more of the Benefit Options.

**Salary Reduction Agreement** means the agreement, form(s) or Internet web site, which Employees use to elect one or more Benefit Options. The agreement, forms and/or internet web site spell out the procedures used for allowing an Employee to participate in this Plan and will allow the Employee to elect Salary Reductions to pay for any Benefit Options offered under this Plan.

**Spouse** means an individual who is legally married to a Participant as determined under applicable state law. Notwithstanding the above, for purposes of the **DCAP**, the term "Spouse" shall not include: an individual legally separated from the Participant under a divorce or separate maintenance decree; or an individual who, although married to the Participant, files a separate federal income tax return, maintains a principal residence separate from the Participant during the last six months of the taxable year, and does not furnish more than half of the cost of maintaining the principal place of abode of the Participant.

**USERRA** means the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended.

**Vision Plan** means the group vision insurance benefit plan sponsored by the Employer.

**Waive coverage** means to formally opt-out of participation in the **PPP** in writing or online.

**Appendix A****Exclusions—Medical Expenses That Are Not Reimbursable From the Health FSA and the Dental/Vision FSA**

The Plan Document contains the general rules governing what expenses are reimbursable under the **Health FSA** and the **Dental/Vision FSA**. This Appendix A, as referenced in the Plan Document, specifies certain expenses that are excluded under this Plan with respect to reimbursement from the **Health FSA** and the **Dental/Vision FSA** -- that is, expenses that are *not* reimbursable, even if such expenses meet the definition of “medical care” under Code §213(d) and may otherwise be reimbursable under the regulations governing health flexible spending accounts:

- Health insurance premiums for any other plan (including a plan sponsored by the Employer).
- Long-term care services.
- Cosmetic surgery or other similar procedures, unless the surgery or procedure is necessary to ameliorate a deformity arising from, or directly related to, a congenital abnormality, a personal injury resulting from an accident or trauma, or a disfiguring disease. “Cosmetic surgery” means any procedure that is directed at improving the patient’s appearance and does not meaningfully promote the proper function of the body or prevent or treat illness or disease.
- The salary expense of a nurse to care for a healthy newborn at home.
- Funeral and burial expenses.
- Household and domestic help (even if recommended by a qualified physician due to an Employee’s or Dependent’s inability to perform physical housework).
- Custodial care.
- Costs for sending a problem child to a special school for Benefits that the child may receive from the course of study and disciplinary methods.
- Social activities, such as dance lessons (even if recommended by a physician for general health improvement).
- Bottled water.
- Cosmetics, toiletries, toothpaste, etc.
- Uniforms or special clothing, such as maternity clothing.
- Automobile insurance premiums.
- Marijuana and other controlled substances that are in violation of federal laws, even if prescribed by a physician.
- Any item that does not constitute “medical care” as defined under Code §213(d) other than the exception outlined in Code §106(f) as related to menstrual care products.



- Any item that is not reimbursable under Code §§213(d) and 106(f) due to the rules in Prop. Treas. Reg. §1.125-2, Q-7(b)(4) or other applicable regulations.

**Appendix B**  
**Related Employers That Have Adopted This Plan**

**With the Approval of State of Missouri.**

The following Related Employers have adopted this plan:

- The Office of Administration
- The Department of Agriculture
- The Department of Conservation
- The Department of Corrections
- The Department of Economic Development
- The Department of Elementary and Secondary Education
- The Department of Health and Senior Services
- The Department of Higher Education
- The Department of Insurance, Financial Institutions and Professional Registration
- The Department of Labor and Industrial Relations
- The Department of Mental Health
- The Department of Natural Resources
- The Department of Public Safety
- The Department of Revenue
- The Department of Social Services
- The Department of Transportation
- The Office of the Attorney General
- The Office of the Governor
- The Office of the Lieutenant Governor
- The Office of the State Auditor
- The Office of the Secretary of State
- The Office of the Treasurer
- The Missouri House of Representatives
- The Missouri Senate
- The Missouri Consolidated Health Care Plan
- The Missouri State Employees' Retirement System
- The Supreme Court
- Harris-Stowe State University Board of Regents
- Lincoln University Board of Curators
- Missouri State University
- Northwest Missouri State University Board of Regents
- Truman State University Board of Governors
- University of Central Missouri Board of Governors

**Employer** means State of Missouri including any agency, or department of the State of Missouri other than the University of Missouri, Southeast Missouri State University, Missouri Western University, and Missouri Southern State University.

**Schedule A**  
**Premium Payment Plan**

Unless otherwise specified, terms capitalized in this Schedule A shall have the same meaning as the defined terms in the Plan Document to which this Schedule is attached.

**A.1 Benefits**

If the Employee is an enrolled participant in the Health Plan, Dental Plan, and/or Vision Plan and timely submits an executed Salary Reduction Agreement, the Employee can either:

- Option A: Elect Benefits under the **PPP** by electing to contribute his or her share for the Health Plan on a pre-tax basis; or
- Option B: Elect no Benefits under the **PPP** and to contribute his or her share, if any, for the Health Plan with after-tax deductions outside of this Plan.

If the Employee is an enrolled participant in the Health Plan, Dental Plan, and/or Vision Plan and does not timely submit an executed Salary Reduction Agreement, the Employee will be deemed to have elected Option A.

Benefits elected under Option A will be funded by the Participant's Contributions as provided in the Eligibility and Participation section in the Plan Document.

To determine when a Salary Reduction Agreement will be considered timely submitted, see the Method and Timing of Elections section in the Plan Document.

Unless an exception applies, as described in the Irrevocability of Elections and Exceptions section in the Plan Document, such election is irrevocable for the duration of the Period of Coverage to which it relates.

**A.2 Benefit Contributions**

The annual Contribution for the **PPP** is equal to the amount as set by the Employer, which may or may not be the same amount charged under the Health Plan, Dental Plan, and/or Vision Plan.

**A.3 Medical Benefits Provided Under the Health Plan, Dental Plan, or Vision Plan**

Medical benefits will be provided by the applicable Health Plan, Dental Plan, or Vision Plan, not this Plan. The types and amounts of medical benefits, the requirements for participation, and other terms and conditions of coverage and benefits of the Health Plan, Dental Plan and/or Vision Plan are set forth in the documents relating to that plan. No changes can be made under this Plan with respect to such Health Plan, Dental Plan, or Vision Plan if such changes are not permitted under the applicable Health Plan, Dental Plan, or Vision Plan.

All claims to receive benefits under the Health Plan, Dental Plan, or Vision Plan shall be subject to and governed by the terms and conditions of the applicable Health Plan, Dental Plan, or Vision Plan and the rules, regulations, policies and procedures adopted in accordance therewith, as may be amended from time to time.

**A.4 COBRA**

To the extent required by COBRA, the Participant, Spouse and Dependent, as applicable, whose coverage terminates under the Health Plan, Dental Plan, and/or Vision Plan because of a COBRA qualifying event and who is a qualified beneficiary as defined under COBRA, shall be given the opportunity to continue the same coverage that the Participant, Spouse or Dependent had under the Health Plan, Dental Plan, and/or Vision Plan the day before the qualifying event for the periods prescribed by COBRA, on a self-pay basis. Such continuation coverage shall be subject to all conditions and limitations under COBRA.

**Schedule B**  
**Health Flexible Spending Account**

Unless otherwise specified, terms capitalized in this Schedule B shall have the same meaning as the defined terms in the Plan Document to which this Schedule is attached.

**B.1 Benefits**

A Benefit Eligible Employee not enrolled in the **HSA Contribution Benefit**, can elect to participate in the **Health FSA** by electing to receive Benefits in the form of reimbursements for Health Care Expenses. If elected, the Benefit Option will be funded by Participant Contributions on a pre-tax Salary Reduction basis as provided in the Employer and Participant Contributions section in the Plan Document.

Unless an exception applies as described in the Irrevocability of Elections and Exceptions section, such election is irrevocable for the duration of the Period of Coverage to which it relates.

The **HSA Contribution Benefit** cannot be elected with the **Health FSA**. In addition, a Participant who has an election for the **Health FSA** that is in effect on the last day of a Plan Year cannot elect the **HSA Contribution Benefit** for any of the first three calendar months following the close of that Plan Year, unless the balance in the Participant's **Health FSA** is \$0 as of the last day of that Plan Year. For this purpose, a Participant's **Health FSA** balance is determined on a cash basis – that is, without regard to any claims that have been incurred but have not yet been reimbursed (whether or not such claims have been submitted).

**B.2 Benefit Contributions**

The annual Contribution for a Participant's **Health FSA** is equal to the annual Benefit amount elected by the Participant.

**B.3 Eligible Health Care Expenses**

Under the **Health FSA**, a Participant may receive reimbursement for Health Care Expenses incurred during the Period of Coverage for which an election is in force.

- **Incurred.** A Health Care Expense is incurred at the time the medical care or service giving rise to the expense is provided, and not when the Participant is formally billed for, is charged for, or pays for the medical care.
- **Health Care Expenses.** Health Care Expenses means expenses incurred by a Participant, or the Participant's Spouse or Dependent(s) covered under the **Health FSA** for medical care, as defined in Code §§213(d) and 106(f), other than expenses that are excluded by this Plan, but only to the extent that the Participant or other person incurring the expense is not reimbursed through any other accident or health plan.
- **Expenses That Are Not Reimbursable.** Insurance premiums are not reimbursable from the **Health FSA**. Other expenses that are not reimbursable are listed in Appendix A to the Plan Document.

**B.4 Maximum and Minimum Benefits**

- **Maximum Reimbursement Available; Uniform Coverage Rule.** The maximum dollar amount elected by the Participant for reimbursement of Health Care Expenses incurred during a Period of Coverage, reduced by prior reimbursements during the Period of Coverage, shall be available at all times during the Period of Coverage, regardless of the actual amounts credited to the Participant's **Health FSA**. Notwithstanding the foregoing, no reimbursements will be available for Health Care Expenses incurred after coverage under this Plan has terminated, unless the Participant has elected COBRA as provided below, or is entitled to submit expenses incurred during a Grace Period as provided below.
- **Payment** shall be made to the Participant in cash as reimbursement for Health Care Expenses incurred during the Period of Coverage for which the Participant's election is effective, or during a Grace Period as provided below, provided that the other requirements of this Section have been satisfied.
- **Maximum Dollar Limit.** The maximum annual benefit amount that a Participant may elect to receive under this Plan in the form of reimbursements for Health Care Expenses incurred in any Period of Coverage shall not exceed the maximum allowed under federal regulations and shall be the amount as set forth in annual open enrollment materials for the Plan Year. Reimbursements due for Health Care Expenses incurred by the Participant's Spouse or Dependent(s) shall be charged against the Participant's **Health FSA**.
- **Changes.** For subsequent Plan Years, the maximum dollar limit may be changed by the Plan Administrator and shall be communicated to Employees through the Salary Reduction Agreement or another document.
- **No Proration.** If a Participant enters the Plan mid-year or wishes to increase his or her election mid-year as permitted under this Plan, then the Participant may elect coverage or increase coverage respectively, up to the maximum annual benefit amount stated above. The maximum annual benefit amount will not be prorated.
- **Effect on Maximum Benefits If Election Change Permitted.** Any change in an election affecting annual Contributions to the **Health FSA** will also change the maximum reimbursement benefits for the balance of the Period of Coverage commencing on the election change effective date. Such maximum reimbursement benefits for the balance of the Period of Coverage shall be calculated by adding:
  - The aggregate Contribution for the period prior to such election change; to
  - The total Contribution for the remainder of such Period of Coverage to the **Health FSA**; reduced by
  - All reimbursements made during the entire Period of Coverage.
- **FMLA Leave.** Any change in an election for FMLA leave will change the maximum reimbursement benefits in accordance with FMLA or the regulations governing cafeteria plans.

- **Monthly Limits on Reimbursing OTC Drugs.** Only reasonable quantities of over-the-counter (OTC) drugs or medicines of the same kind may be reimbursed from a Participant's **Health FSA** in a single calendar month, even assuming that the drug otherwise meets the requirements of this Section, including that it is for medical care under Code §213(d). Stockpiling is not permitted.

#### **B.5 Establishment of Account**

The Plan Administrator will establish and maintain a **Health FSA** with respect to each Participant who has elected to participate in the **Health FSA**, but will not create a separate fund or otherwise segregate assets for this purpose. The account established hereto will merely be a record keeping account with the purpose of keeping track of Contributions and determining forfeitures.

- **Crediting of Accounts.** A Participant's **Health FSA** will be credited following each Salary Reduction actually made during each Period of Coverage with an amount equal to the Salary Reduction actually made.
- **Debiting of Accounts.** A Participant's **Health FSA** will be debited during each Period of Coverage for any reimbursement of Health Care Expenses incurred during the Period of Coverage or during a Grace Period as provided below.
- **Available Amount Not Based on Credited Amount.** The amount available for reimbursement of Health Care Expenses is the amount as calculated according to the "Maximum Reimbursement Available" paragraph of this Section above. It is not based on the amount credited to the **Health FSA** at a particular point in time.

#### **B.6 Use It or Lose It Rule; Forfeiture Of Account Balance**

- **Use It or Lose It Rule.** Except for expenses incurred during an applicable Grace Period, if any balance remains in the Participant's **Health FSA** for a Period of Coverage after all reimbursements have been made for the Period of Coverage, then such balance shall not be carried over to reimburse the Participant for Health Care Expenses incurred during a subsequent Plan Year. The Participant shall forfeit all rights with respect to such balance. The Grace Period shall begin immediately following the end of the Plan Year and terminate on the 15<sup>th</sup> day of the third calendar month after the end of the Plan Year. Claims must be submitted on or before the **Claims Filing Deadline**.
- **Use of Forfeitures.** All forfeitures under this Plan shall be used as follows:
  - First, to offset any losses experienced by Employer during the Plan Year as a result of making reimbursements with respect to any Participant in excess of the Contributions paid by such Participant through Salary Reductions;
  - Second, to reduce the cost of administering the **Health FSA** during the Plan Year or the subsequent Plan Year (all such administrative costs shall be documented by the Plan Administrator); and
  - To provide increased Benefits or compensation to all Participants in subsequent years in any weighted or uniform fashion that the Plan Administrator deems appropriate, consistent with applicable regulations.

- **Unclaimed Benefits.** Benefit payments that remain unclaimed by the close of the Plan Year following the Period of Coverage in which the Health Care Expense was incurred shall be forfeited and applied as described above.

#### B.7 Grace Period

- **Special Rules for Claims Incurred During a Grace Period.** The Employer has the discretion to establish a grace period following the end of the Plan Year, as follows:
  - An individual may be reimbursed for Health Care Expenses incurred during a Grace Period from amounts remaining in his or her **Health FSA** Account at the end of the Plan Year to which that Grace Period relates (“Prior Plan Year **Health FSA** Amounts”) if the individual is either:
    - A qualified beneficiary as defined under COBRA who has COBRA coverage under the **Health FSA** Benefit Option on the last day of that Plan Year; or
    - A Participant with **Health FSA** coverage that is in effect on the last day of that Plan Year. As a clarification: A participant who terminates coverage before the last day of the Plan Year will not be reimbursed for expenses incurred during the Grace Period associated with that Plan Year. A terminated participant may only be reimbursed for expenses incurred during the participant’s period of coverage (Health FSA participants’ coverage ceases at the end of the month following the last contribution).
  - The Grace Period shall begin immediately following the end of the Plan Year and terminate on the 15<sup>th</sup> day of the third calendar month after the end of the Plan Year.
  - Prior Plan Year **Health FSA** Amounts may not be cashed out or converted to any other taxable or non-taxable Benefit Option. For example, Prior Plan Year **Health FSA** Amounts may not be used to reimburse Dependent Care Expenses.
  - Health Care Expenses incurred during a Grace Period and approved for reimbursement will be reimbursed first from any available Prior Plan Year **Health FSA** Amounts and then from any amounts that are available to reimburse expenses that are incurred during the current Plan Year. An individual’s Prior Plan Year **Health FSA** Amounts will be debited for any reimbursement of Health Care Expenses incurred during the Grace Period that is made from such Prior Plan Year **Health FSA** Amounts.
  - Claims for reimbursement of Health Care Expenses incurred during a Grace Period must be submitted no later than the **Claims Filing Deadline** to which the Grace Period relates in order to be reimbursed from Prior Plan Year **Health FSA** Amounts. Any Prior Plan Year **Health FSA** Amounts that remain after all reimbursements have been made for the Plan Year and its related Grace Period shall not be carried over to reimburse the Participant for expenses incurred in any subsequent period. The Participant will forfeit all rights with respect to these amounts, which will be subject to the Plan's provisions regarding forfeitures.

#### B.8 Reimbursement Procedure

- **Timing.** Within 30 days after receipt by the Plan Administrator of a reimbursement claim from a Participant, the Employer will reimburse the Participant for the Participant’s Health Care



Expenses, or the Plan Administrator will notify the Participant that a claim has been denied. This time period may be extended for an additional 15 days for matters beyond the control of the Plan Administrator, including in cases where a reimbursement claim is incomplete. The Plan Administrator will provide written notice of any extension, including the reasons for the extension, and will allow the Participant 45 days from receipt of the written notice in which to complete an incomplete reimbursement claim.

- **Claims Substantiation.** A Participant who has elected to receive Health Care Reimbursement Benefits for a Period of Coverage may apply for reimbursement by submitting an application to the Plan Administrator by no later than the **Claims Filing Deadline**, setting forth:
  - The person or persons on whose behalf Health Care Expenses have been incurred;
  - The nature and date of the expenses incurred;
  - The amount of the requested reimbursement;
  - A statement that such expenses have not otherwise been reimbursed and the Participant will not seek reimbursement through any other source; and
  - Other such details about the expenses that may be requested by the Plan Administrator in the reimbursement request form or otherwise.

The application shall be accompanied by bills, invoices, or other statements from an independent third party showing that the Health Care Expenses have been incurred and the amounts of such expenses, together with any additional documentation that the Plan Administrator may request. If the Health FSA is accessible by an electronic payment card (e.g., debit card, credit card, or similar arrangement), the Participant will be required to comply with substantiation procedures established by the Plan Administrator in accordance with Section B.13 and applicable IRS guidance regarding electronic payment card programs.

- **Claims Denied.** For appeal of claims that are denied, see the Appeals Procedure in the Plan Document.
- **Claims Ordering; No Reprocessing.** All claims for reimbursement will be paid in the order in which they are approved. Once paid, a claim will not be reprocessed or otherwise recharacterized solely for the purpose of paying it from amounts attributable to a different Plan Year or Period of Coverage.

#### **B.9 Reimbursements After Termination; Limited COBRA Continuation**

The Participant will not be able to receive reimbursements for Health Care Expenses incurred after participation terminates. However, except for expenses incurred during an appropriate Grace Period, such Participant, or the Participant's estate, may claim reimbursement for any Health Care Expenses incurred during the Period of Coverage prior to termination, provided that the Participant, or the Participant's estate, files a claim by the date established in the Reimbursement Procedure paragraphs above following the close of the Plan Year in which the Health Care Expense was incurred.

Notwithstanding any provision to the contrary in this Plan, to the extent required by COBRA, a Participant and such Participant's Spouse and Dependent(s), whose coverage terminates under the **Health FSA** because of a COBRA qualifying event, shall be given the opportunity to continue the same coverage that the Participant had under the **Health FSA** the day before the qualifying event, subject to all conditions and limitations under COBRA. The Contributions for such continuation coverage will be equal to the cost of providing the same coverage to an active employee taking into account all costs incurred by the Employee and the Employer plus a 2% administration fee. Specifically, an individual will be eligible for COBRA continuation coverage only if the Participant's remaining available amount is greater than the Participant's remaining Contribution payments at the time of the qualifying event, taking into account all claims submitted before the date of the qualifying event. Such individual will be notified if the individual is eligible for COBRA continuation coverage.

If COBRA is elected, COBRA coverage will be subject to the most current COBRA rules. COBRA will be available only for the remainder of the Plan Year in which the qualifying event occurs. Such COBRA coverage for the **Health FSA** will cease at the end of the Plan Year, except for expenses incurred during an appropriate Grace Period, and cannot be continued for the next Plan Year. Coverage may terminate sooner if the Contributions for a Period of Coverage are not received by the due date established by the Plan Administrator for that Period of Coverage. Continuation coverage is only granted after the Plan Administrator has received the Contributions for that period of coverage.

Contributions for coverage for **Health FSA** Benefits may be paid on a pre-tax basis for current Employees receiving taxable compensation, as may be permitted by the Plan Administrator on a uniform and consistent basis, but may not be prepaid from Contributions in one Plan Year to provide coverage that extends into a subsequent Plan Year, where COBRA coverage arises either:

- Because the Employee ceases to be eligible because of a reduction of hours; or
- Because the Employee's Dependent ceases to satisfy the eligibility requirements for coverage.

For all other individuals (for example, Employees who cease to be eligible because of retirement, termination of employment, or layoff), Contributions for COBRA coverage for **Health FSA** Benefits shall be paid on an after-tax basis, unless permitted otherwise by the Plan Administrator, in its discretion and on a uniform and consistent basis, but may not be prepaid from Contributions in one Plan Year to provide coverage that extends into a subsequent Plan Year.

#### **B.10 Qualified Reservist Distribution**

If a Participant meets all of the following conditions, the Participant may elect to receive a qualified reservist distribution from the **Health FSA**:

- The Participant's Contributions to the **Health FSA** for the Plan Year as of the date the qualified reservist distribution is requested exceeds the reimbursements the Participant has received from the **Health FSA** for the Plan Year as of that date.
- The Participant is ordered or called to active military duty for a period of at least 180 days or for an indefinite period by reason of being a member of the Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the

United States, the Air Force Reserve, the Coast Guard Reserve, or the Reserve Corps of the Public Health Service.

- The Participant has provided the Plan Administrator with a copy of the order or call to active duty. An order or call to active duty of less than 180 days' duration must be supplemented by subsequent calls or orders to reach a total of 180 or more days.
- The Participant is ordered or called to active military duty on or after April 1, 2009, or the Participant's period of active duty begins before April 1, 2009 and continues on or after the date.
- During the period beginning on the date of the Participant's order or call to active duty and ending on the last day of the Plan Year during which the order or call occurred, the Participant submits a qualified reservist distribution election form to the Plan Administrator.

**Amount of Qualified Reservist Distribution.** If the above conditions are met, the Participant will receive a distribution from the **Health FSA** equal to his or her Contributions to the **Health FSA** for the Plan Year as of the date of the distribution request, minus any reimbursements received for the Plan Year as of that date.

**No Reimbursement for Expenses Incurred After Distribution Request.** Once a Participant requests a qualified reservist distribution, the Participant forfeits the right to receive reimbursements for Health Care Expenses incurred during the period that begins on the date of the distribution request and ends on the last day of the Plan Year. The Participant may, however, continue to submit claims for Health Care Expenses that were incurred before the date of the distribution request (even if the claims are submitted after the date of the qualified reservist distribution), so long as the total dollar amount of the claims does not exceed the amount of the **Health FSA** election for the Plan Year, minus the sum of the qualified reservist distribution and the prior **Health FSA** reimbursements for the Plan Year.

**Tax Treatment of a Qualified Reservist Distribution.** If the Participant receives a qualified reservist distribution, it will be included in his or her gross income and will be reported as wages on the Participant's Form W-2 for the year in which it is paid.

#### **B.11 Named Fiduciary**

The Plan Administrator is the Named Fiduciary for the **Health FSA**.

#### **B.12 Coordination of Benefits**

**Health FSAs** are intended to pay Benefits solely for Health Care Expenses not previously reimbursed or reimbursable elsewhere. Accordingly, the **Health FSA** shall not be considered a group health plan for coordination of benefits purposes, and the **Health FSA** shall not be taken into account when determining benefits payable under any other plan.

#### **B.13. Debit Cards**

Participants will be required to comply with substantiation procedures established by the Plan Administrator in accordance with applicable IRS guidance regarding electronic payment card programs. In addition, the following provisions shall apply:

- *Initial and Periodic Certification.* Before receiving an electronic payment card, a Participant must certify that he or she will only use the card to pay for Medical Care Expenses, will not use the card for expenses that have already been reimbursed, will not seek reimbursement under any other health plan for expenses paid for with the card, and will acquire and keep sufficient documentation (see below) for expenses paid with the card. The Participant must also agree to abide by any other the terms and conditions of the card program as set forth herein and in any cardholder agreement issued in conjunction with the card, including but not limited to payment of any fees for participation in the card program and the Plan's right to recoup improper card payments by withholding amounts from Compensation and offsetting against other Health FSA claims. The Participant must reaffirm these agreements during each subsequent Open Enrollment Period in order for the card to remain activated. In addition, these agreements are reaffirmed each time the Participant uses the card. Failure to abide by these agreements may result in deactivation of the card.
- *Deactivation of Card.* A Participant's card will be deactivated when participation in the Health FSA ceases or at other times as set forth herein (e.g., for failure to comply with the Plan's substantiation and recoupment procedures). A Participant whose card has been deactivated must request reimbursement for Medical Care Expenses through other methods (e.g., by submitting paper or online claims).
- *Merchants; Card Use.* Card use is limited to eligible merchants as provided in applicable IRS guidance and as further identified by the Plan Administrator or its designee. The card's debit balance (or credit limit, as applicable) must be limited to the amount of the Participant's available reimbursement. Each time the card is swiped, the Participant certifies to the Plan that the expense for which payment under the Health FSA is being made is a Medical Care Expense that has not already been reimbursed from another source and that reimbursement for the expense will not be sought from another source. Use of a card to pay for a service or product is not considered to be a claim for benefits under the Plan; a claim does not arise until a paper or electronic reimbursement request is submitted.
- *Documentation.* For each expense that is paid with the card, the Participant must obtain and retain a bill, invoice, or other statement from the merchant describing the service or product, the date of the service or sale, and the amount of the expense. The documentation must be retained until the close of the Plan Year following the Plan Year in which the card transaction occurred. If the Participant is asked to provide the documentation to the Plan, he or she must do so within the period specified in the request. A Participant who is unable to provide adequate or timely substantiation upon request from the Plan must repay the Plan for the unsubstantiated expense. In addition, the Participant's card may be deactivated.
- *Correction of Improper Payments.* Participants must repay the Plan for any improper payments that are made with their cards. Improper payments may be recouped in accordance with applicable IRS guidance. If the Plan is unable to recoup an improper payment, the Employer will treat the payment as it would treat any other business indebtedness. If the debt is not collected and the Employer forgives the indebtedness, the payment will be treated as wages in the year in which the indebtedness was forgiven.

**Schedule C**  
**HSA Contribution Benefit**

Unless otherwise specified, terms capitalized in this Schedule C shall have the same meaning as the defined terms in the Plan Document to which this Schedule is attached.

**C.1 HSA Tax Advantages**

An Employee eligible to participate in the HSA may elect to participate in the **HSA Contribution Benefit** by electing to pay the Contributions on a pre-tax Salary Reduction basis to the Employee's Health Savings Account (HSA) established and maintained outside the Plan by a trustee/custodian to which the Employer can forward Contributions to be deposited. This funding feature constitutes the **HSA Contribution Benefit**.

As described more fully herein, such election can be increased, decreased or revoked prospectively at any time during the Plan Year, effective no later than the first day of the next calendar month following the date that the election change was filed.

**C.2 Establishing an HSA**

For administrative convenience, the Employer may choose to make Contributions for Employees to HSAs established at a bank selected by the Employer or limit the number of HSA providers to whom it will forward Contributions—such a list is not an endorsement of any HSA provider. The selected bank will be an authorized HSA trustee. The forms necessary to establish an HSA at the selected bank will be provided to Participants. Participants are responsible for managing their own **HSA**, including choosing how **HSA** funds are invested and following the rules of the selected bank and the IRS. Once the Employer Contributions have been deposited in a Participant's **HSA Contribution Benefit**, the Participant has a non- forfeitable interest in the funds and is free to request a distribution of the funds or to move them to another **HSA** provider, to the extent permitted by law.

**The HSA Contribution Benefit** cannot be elected with the **Health FSA**. In addition, a Participant who has an election for the **Health FSA** that is in effect on the last day of a Plan Year cannot elect the **HSA Contribution Benefit** for any of the first three calendar months following the close of that Plan Year, unless the balance in the Participant's **Health FSA** is \$0 as of the last day of the Plan Year. For this purpose, a Participant's **Health FSA** balance is determined on a cash basis -- that is, without regard to claims that have been incurred but have not yet been reimbursed (whether or not such claims have been submitted).

**C.3 Certification of HSA Contribution Benefit Eligibility**

To be eligible for the **HSA Contribution Benefit**, an HSA Employee must certify to the Employer that he or she is eligible for an HSA contribution and does not have any non-HDHP coverage. A married Participant must also certify that his or her Spouse does not have any non-HDHP coverage. A Participant is required to notify the Employer immediately if there are any changes in the information contained in the certification. Failure to provide accurate and updated information could cause the **HSA Contribution Benefit** to be included in a Participant's gross income and may also be subject to excise tax.

#### C.4 Maximum Contribution

The annual Contribution for a Participant's **HSA Contribution Benefit** is equal to the annual Benefit amount elected by the Participant. In no event shall the amount elected exceed the statutory maximum amount for HSA contributions applicable to the Participant's HDHP coverage option for the calendar year in which the Contribution is made (the maximum contribution for each Plan Year is set forth in the annual open enrollment materials).

Participants age 55 or older may make an additional catch-up Contribution of \$1,000 per year.

In addition, the maximum annual Contribution shall be:

- Reduced by any matching or other Employer Contribution made on the Participant's behalf; and
- Prorated for the number of months in which the Participant is an HSA Eligible Individual.

#### C.5 Recording Contributions for HSA

The Plan Administrator will maintain records to keep track of Contributions an Employee makes via pre-tax Salary Reductions to his or her HSA, but it will not create a separate fund or otherwise segregate assets for this purpose. The Employer has no authority or control over the funds deposited in an HSA.

#### C.6 Distributions from HSA Contribution Benefit

Distribution from an **HSA Contribution Benefit** will be tax-free if the distribution is for expenses incurred for a Participant's health care as defined in IRC §213(d) or the health care of a Participant's legal Spouse or tax Dependents. Expenses must have been incurred after the establishment of the **HSA Contribution Benefit** to be tax-free. **HSA Contribution Benefit** distributions used to pay insurance premiums will not be tax-free unless they are used for COBRA coverage, qualified long-term care insurance, health insurance maintained while the individual is receiving unemployment compensation under federal or state law, or health insurance for an individual age 65 or over, other than a Medicare supplemental policy.

#### C.7 Tax Treatment of HSA Contributions and Distributions

The tax treatment of the HSA is governed by Code §223.

#### C.8 Reporting Issues

Each Participant will be responsible for reporting Contributions made to his or her **HSA Contribution Benefit** and for reporting distributions from the HSA. A Participant is also responsible for reporting whether or not HSA distributions were used for qualified health expenses or whether the distributions were taxable. A Participant should maintain records sufficient to demonstrate whether or not distributions were taxable.

#### C.9 Voluntary Participation

Participation in the **HSA Contribution Benefit** is entirely voluntary and may be terminated at any time by notifying the Employer. Although the Employer expects to continue this **HSA Contribution Benefit** indefinitely, it has the right to amend or terminate **HSA Contribution Benefit** at any time and for any

reason. It is also possible that changes to the program will be necessary or advisable as a result of future changes in state or federal tax laws.

**C.10 HSA Not Intended to be an ERISA Plan**

The **HSA Contribution Benefit** under this Plan consist solely of the ability to make Contributions to the HSA on a pre-tax Salary Reduction basis. Terms and conditions of coverage and Benefits will be provided by and are set forth in the HSA, not this Plan. The terms and conditions of each Participant's HSA trust or custodial account are described in the HSA trust or custodial agreement provided by the applicable trustee/custodian to each electing Participant and are not a part of this Plan.

The HSA is not an employer-sponsored employee benefits plan. It is a savings account that is established and maintained by an HSA trustee/custodian outside this Plan to be used primarily for reimbursement of "qualified eligible health expenses" as set forth in Code §223(d)(2). The Employer has no authority or control over the funds deposited in a HSA. Even though this Plan may allow pre-tax Salary Reduction contributions to an HSA, the HSA is not intended to be an ERISA benefit plan sponsored or maintained by the Employer.

<b>Schedule D</b> <b>Dependent Care Assistance Program</b>
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Unless otherwise specified, terms capitalized in this Schedule D shall have the same meaning as the defined terms in the Plan Document to which this Schedule is attached.

**D.1 Benefits**

An Employee can elect to participate in the **DCAP** to receive Benefits in the form of reimbursements for Dependent Care Expenses. If elected, the Benefit Option will be funded by the Participant on a pre-tax Salary Reduction basis. Unless an exception applies, as described in the Irrevocability of Elections and Exceptions section above, such election is irrevocable for the duration of the Period of Coverage to which it relates.

**D.2 Benefit Contributions**

The annual Contribution for a Participant's **DCAP** Benefits is equal to the annual Benefit amount elected by the Participant, subject to the Maximum Benefits paragraph below.

**D.3 Eligible Dependent Care Expenses**

Under the **DCAP**, a Participant may receive reimbursement for Dependent Care Expenses incurred during the Period of Coverage or Grace Period for which an election is in force.

- **Incurred.** A Dependent Care Expense is "incurred" at the time the Qualifying Dependent Care Service giving rise to the expense is provided, and not when the Participant is formally billed for, is charged for, or pays for the Qualifying Dependent Care Services.
- **Dependent Care Expenses.** Dependent Care Expenses means expenses that are considered to be:
  - Employment-related expenses under Code §21(b)(2) relating to expenses for the care of a Qualifying Individual necessary for gainful employment of the Employee and Spouse; and
  - Expenses for incidental household services, if incurred by the Employee to obtain Qualifying Dependent Care Services, but only to the extent that the Participant or other person incurring the expense is not reimbursed for the expense through any other Plan.

If only a portion of a Dependent Care Expense has been reimbursed elsewhere, the **DCAP** can reimburse the remaining portion of such Expense if it otherwise meets the requirements of this Schedule.

- **Qualifying Individual.** A Qualifying Individual is:
  - A tax dependent of the Participant as defined in Code §152 who is under the age of 13 and who is the Participant's qualifying child as defined in Code §152(a)(1);
  - A tax dependent of the Participant as defined in Code §152, who is physically or mentally incapable of self-care and who has the same principal place of abode as the Participant for more than half of the year; or



- A Participant's Spouse, as defined in Code §152, who is physically or mentally incapable of self-care, and who has the same principal place of abode as the Participant for more than half of the year.

In the case of divorced or separated parents, a child shall be treated as a Qualifying Individual of the custodial parent within the meaning of Code §152(e).

- **Qualifying Dependent Care Services.** Qualifying Dependent Care Services means services that both:
  - Relate to the care of a Qualifying Individual that enable the Participant and Spouse to remain gainfully employed after the date of participation in the **DCAP** and during the Period of Coverage; and
  - Are performed:
    - In the Participant's home; or
    - Outside the Participant's home for:
      - The care of a Participant's Dependent who is under age 13; or
      - The care of any other Qualifying Individual who regularly spends at least 8 hours per day in the Participant's household.

In addition, if the expenses are incurred for services provided by a facility that provides care for more than six individuals not residing at the facility and that receives a fee, payment or grant for such services, then the facility must comply with all applicable state and local laws and regulations.

- **Exclusions.** Dependent Care Expenses do not include amounts paid to or for:
  - An individual with respect to whom a personal exemption is allowable under Code §151(c) to a Participant or Participant's Spouse;
  - A Participant's Spouse;
  - A Participant's child, as defined in Code §152(f)(I), who is under 19 years of age at the end of the year in which the expenses were incurred; and
  - A Participant's Spouse's child, as defined in Code §152 (a)(i), who is under 19 years of age at the end of the year in which the expenses were incurred.

#### **D.4 Maximum Benefit**

- **Maximum Reimbursement Available and Statutory Limits.** The maximum dollar amount elected by the Participant for reimbursement of Dependent Care Expenses incurred during a Period of Coverage shall only be available during the Period of Coverage to the extent of the actual amounts

credited to the Participant's **DCAP** less amounts debited to the Participant's **DCAP** pursuant to the Maximum Contribution paragraph below.

Payment shall be made to the Participant as reimbursement for Dependent Care Expenses incurred during the Period of Coverage for which the Participant's election is effective, provided that the other requirements of this Section have been satisfied.

No reimbursement otherwise due to a Participant hereunder shall be made to the extent that such reimbursement, when combined with the total amount of reimbursements made to date for the Plan Year, would exceed the year to date amount of Participant Contributions to the **DCAP** for the Period of Coverage or applicable statutory limit.

- **Maximum Dollar Limit.** The maximum dollar limit for a Participant is the smallest of the following amounts:
  - The Participant's Earned Income for the calendar year;
  - The Earned Income for the calendar year of the Participant's Spouse who:
    - Is not employed during a month in which the Participant incurs a Dependent Care Expense; and
    - Is either physically or mentally incapable of self-care or a full-time student shall be deemed to have Earned Income in the amount of \$250 per month per Qualifying Individual for whom the Participant incurs Dependent Care Expenses, up to a maximum amount of \$500 per month); or
  - \$5,000 for the calendar year or the maximum allowed under federal regulations, if:
    - The Participant is married and files a joint federal income tax return; or
    - The Participant is married, files a separate federal income tax return, and meets the following conditions:
      - The Participant maintains as his or her home a household that constitutes, for more than half of the taxable year, the principal abode of a Qualifying Individual;
      - The Participant furnishes over half of the cost of maintaining such household during the taxable year; and
      - During the last six months of the taxable year, the Participant's Spouse is not a member of such household; or
    - The Participant is single or is the head of the household for federal income tax purposes.
  - \$2,500 for the calendar year, or the maximum allowed under federal regulation, if the Participant is married and resides with the Spouse, but files a separate federal income tax return.
  - For the 2021 Plan Year only, in accordance with the American Rescue Plan Act of 2021 (ARPA), the Maximum Dollar Limits in the previous two open bullets beginning "\$5,000 for the

calendar year” and “\$2,500 for the calendar year” are increased from \$5,000 and \$2,500 to \$10,500 and \$5,250, respectively. The qualifying criteria listed in these two open bullets are not otherwise altered by this increase. These increases constitute an Addition or Significant Improvement of a Benefit Option as described in section 6.4 above.

- **Changes.** For subsequent Plan Years, the maximum and minimum dollar limit may be changed by the Plan Administrator and shall be communicated to Employees through the Salary Reduction Agreement or another document.
- **No Proration.** If a Participant enters the Plan mid-year or wishes to increase his or her election mid-year as permitted under this Plan, then the Participant may elect coverage or increase coverage respectively, up to the maximum annual benefit amount stated above. The maximum annual benefit amount will not be prorated.
- **Effect on Maximum Benefits If Election Change Permitted.** Any change in an election affecting annual Contributions to the **DCAP** component will also change the maximum reimbursement Benefits for the balance of the Period of Coverage commencing with the election change effective date. Such maximum reimbursement Benefits for the balance of the Period of Coverage shall be calculated by adding:
  - The aggregate Contribution for the period prior to such election change; to
  - The total Contribution for the remainder of such Period of Coverage to the **DCAP**; reduced by
  - All reimbursements made during the entire Period of Coverage.

#### **D.5 Establishment of Account**

The Plan Administrator will establish and maintain a **DCAP** with respect to each Participant who has elected to participate in the **DCAP**, but will not create a separate fund or otherwise segregate assets for this purpose. The account so established will merely be a record keeping account with the purpose of keeping track of Contributions and determining forfeitures.

- **Crediting of Accounts.** A Participant’s **DCAP** will be credited following each Salary Reduction actually made during each Period of Coverage with an amount equal to the Salary Reduction actually made.
- **Debiting of Accounts.** A Participant’s **DCAP** will be debited during each Period of Coverage for any reimbursement of Dependent Care Expenses incurred during the Period of Coverage.
- **Available Amount is Based on Credited Amount.** The amount available for reimbursement of Dependent Care Expenses may not exceed the year-to-date amount credited to the Participant’s **DCAP**, less any prior reimbursements. A Participant’s **DCAP** may not have a negative balance during a Period of Coverage.

#### **D.6 Grace Period and Unused Year End Balance**

- **Grace Period.** The Employer has the discretion to establish a grace period following the end of the Plan Year as follows. If a Participant has unused funds in his or her **DCAP** at the end of the Plan Year and the Participant is still an active Participant on the last day of the Plan year, such

Participant is allowed to carry over the unused balance for reimbursement of Dependent Care Expenses incurred during the Grace Period. Unused funds in a Participant's **DCAP** may not be used to reimburse another Benefit Option the Participant may have elected. The Grace Period shall begin immediately following the end of the Plan Year and terminate on the 15th day of the third calendar month after the end of the Plan Year.

- **Use It or Lose It Rule.** Except for expenses incurred in an applicable Grace Period, if any balance remains in the Participant's **DCAP** after all reimbursements have been made for the Period of Coverage, it shall not be carried over to reimburse the Participant for Dependent Care Expenses incurred during the subsequent Plan Year. The Participant shall forfeit all rights with respect to such balance. Claims must be submitted on or before the **Claims Filing Deadline**.
- **Use of Forfeiture.** All forfeitures shall be used by the Plan in the following ways:
  - To offset any losses experienced by the Employer during the Plan Year as a result of making reimbursements with respect to all Participants in excess of the Contributions paid by such Participant through Salary Reduction;
  - To reduce the cost of administering the **DCAP** during the Plan Year or the subsequent Plan Year (all such administrative costs shall be documented by the Plan Administrator); and
  - To provide increased Benefits or Compensation to Participants in subsequent years in any weighted or uniform fashion the Plan Administrator deems appropriate, and consistent with applicable regulations.
- **Unclaimed Benefits.** Any **DCAP** Benefit payments that are unclaimed by the close of the Plan Year following the Period of Coverage or Grace Period in which the Dependent Care Expense was incurred shall be applied as described above.

#### **D.7 Reimbursement Procedure**

- **Timing.** Within 30 days after receipt by the Plan Administrator of a reimbursement claim from a Participant, the Employer will reimburse the Participant for the Participant's Dependent Care Expenses or the Plan Administrator will notify the Participant that a claim has been denied. This time period may be extended an additional 15 days for matters beyond the control of the Plan Administrator, including in cases where a reimbursement claim is incomplete. The Plan Administrator will provide written notice of any extension, including the reasons for the extension, and will allow the Participant 45 days from receipt of the written notice in which to complete an incomplete reimbursement claim.
- **Claims Substantiation.** A Participant who has elected to receive **DCAP** Benefits for a Period of Coverage may apply for reimbursement by completing, signing, and returning an application to the Plan Administrator by no later than the **Claims Filing Deadline**, setting forth:
  - The person or persons on whose behalf Dependent Care Expenses have been incurred;
  - The nature and date of the expenses incurred;
  - The amount of the requested reimbursement;

- The name of the person, organization or entity to whom the expense was or is to be paid;
- A statement that such expenses have not otherwise been reimbursed and the Participant will not seek reimbursement through any other source;
- The Participant's certification that he or she has no reason to believe that the reimbursement refunded, added to other reimbursements to date will exceed the limit herein; and
- Other such details about the expenses that may be requested by the Plan Administrator.

The Participant shall include bills, invoices, or other statements from an independent third party showing that the Dependent Care Expenses have been incurred and the amounts of such expenses, together with any additional documentation that the Plan Administrator may request.

- **Claims Denied.** For appeals of claims that are denied, see the Appeals Procedure in the Plan Document.

#### **D.8 Reimbursements After Termination**

If a Participant's employment terminates, the Participant may submit for reimbursement Dependent Care Expenses incurred before the last day of the Plan year (even if after the date of termination) up to the amount of the Participant's remaining **DCAP** Benefits. As a clarification: A participant who terminates coverage before the last day of the Plan Year will not be reimbursed for expenses incurred during the Grace Period associated with that Plan Year. A terminated participant may only be reimbursed for expenses incurred during the participant's period of coverage (DCAP participants' coverage ceases on the last day of the Plan year).

#### **D.9 DCAP Participant vs. Claiming the Dependent Care Tax Credit**

Employees often have the choice between participating in their employer's **DCAP** on a Salary Reduction basis or taking a Dependent Care Tax Credit under Code §21. Employees cannot take advantage of both tax benefit options for the same expenses. Employees with questions regarding which option is best should consult with an accountant.

**Schedule E**  
**Dental/Vision Flexible Spending Account**

Unless otherwise specified, terms capitalized in this Schedule E shall have the same meaning as the defined terms in the Plan Document to which this Schedule is attached.

**E.1 Benefits**

A Benefit Eligible Employee not enrolled in the **Health FSA** can elect to participate in the **Dental/Vision FSA** by electing to receive Benefits in the form of reimbursements for dental and vision expenses. If elected, the Benefit Option will be funded by Participant Contributions on a pre-tax Salary Reduction basis as provided in the Employer and Participant Contributions section in the Plan Document.

Unless an exception applies as described in the Irrevocability of Elections and Exceptions section, such election is irrevocable for the duration of the Period of Coverage to which it relates.

The **HSA Contribution Benefit** may be elected with the **Dental/Vision FSA**.

**E.2 Benefit Contributions**

The annual Contribution for a Participant's **Dental/Vision FSA** is equal to the annual Benefit amount elected by the Participant.

**E.3 Eligible Dental and Vision Expenses**

Under the **Dental/Vision FSA**, a Participant may receive reimbursement for dental and vision expenses incurred during the Period of Coverage for which an election is in force.

- **Incurred.** A dental or vision expense is incurred at the time the dental or vision care or service giving rise to the expense is provided, and not when the Participant is formally billed for, is charged for, or pays for the care.
- **Dental and Vision Expenses.** Dental and Vision Expenses means expenses incurred by a Participant, the Participant's Spouse or Dependent(s) covered under the **Dental/Vision FSA** within the meaning of "health care" as defined in Code §213(d), provided, however, that such expense is for vision or dental care only. This term does not include expenses that are excluded under Appendix A to this Plan, nor any expenses for which the Participant or other person incurring the expense is reimbursed for the expense through the Health Plan, other insurance, or any other accident or health plan. If only a portion of a Health Care Expense has been reimbursed elsewhere, then the **Dental/Vision FSA** can reimburse the remaining portion of such Expense if it otherwise meets the requirements of this Section.
- **Expenses That Are Not Reimbursable.** Insurance premiums are not reimbursable from the **Dental/Vision FSA**. Other expenses that are not reimbursable are listed in Appendix A to the Plan Document.

#### E.4 Maximum and Minimum Benefits

- **Maximum Reimbursement Available; Uniform Coverage Rule.** The maximum dollar amount elected by the Participant for reimbursement of Dental and Vision Expenses incurred during a Period of Coverage, reduced by prior reimbursements during the Period of Coverage, shall be available at all times during the Period of Coverage, regardless of the actual amounts credited to the Participant's **Dental/Vision FSA**. Notwithstanding the foregoing, no reimbursements will be available for Dental and Vision Expenses incurred after coverage under this Plan has terminated, unless the Participant has elected COBRA as provided below, or is entitled to submit expenses incurred during a Grace Period as provided below.
- **Payment** shall be made to the Participant in cash as reimbursement for Dental and Vision Expenses incurred during the Period of Coverage for which the Participant's election is effective, or during a Grace Period as provided below, provided that the other requirements of this Section have been satisfied.
- **Maximum Dollar Limit.** The maximum annual benefit amount that a Participant may elect to receive under this Plan in the form of reimbursements for Dental and Vision Expenses incurred in any Period of Coverage shall not exceed the maximum allowed under federal regulations and shall be the amount set forth in the annual open enrollment materials for the Plan Year. Reimbursements due for Dental and Vision Expenses incurred by the Participant's Spouse or Dependent(s) shall be charged against the Participant's **Dental/Vision FSA**.
- **Changes.** For subsequent Plan Years, the maximum dollar limit may be changed by the Plan Administrator and shall be communicated to Employees through the Salary Reduction Agreement or another document.
- **No Proration.** If a Participant enters the Plan mid-year or wishes to increase his or her election mid-year as permitted under this Plan, then the Participant may elect coverage or increase coverage respectively, up to the maximum annual benefit amount stated above. The maximum annual benefit amount will not be prorated.
- **Effect on Maximum Benefits If Election Change Permitted.** Any change in an election affecting annual Contributions to the **Dental/Vision FSA** will also change the maximum reimbursement benefits for the balance of the Period of Coverage commencing on the election change effective date. Such maximum reimbursement benefits for the balance of the Period of Coverage shall be calculated by adding:
  - The aggregate Contribution for the period prior to such election change; to
  - The total Contribution for the remainder of such Period of Coverage to the **Dental/Vision FSA**; reduced by
  - All reimbursements made during the entire Period of Coverage.
- **FMLA Leave.** Any change in an election for FMLA leave will change the maximum reimbursement benefits in accordance with FMLA or the regulations governing cafeteria plans.

- **Monthly Limits on Reimbursing OTC Drugs.** Only reasonable quantities of over-the-counter (OTC) drugs or medicines of the same kind may be reimbursed from a Participant's **Dental/Vision FSA** in a single calendar month, even assuming that the drug otherwise meets the requirements of this Section, including that it is for dental or vision care under Code §213(d). Stockpiling is not permitted.

#### E.5 Establishment of Account

The Plan Administrator will establish and maintain a **Dental/Vision FSA** with respect to each Participant who has elected to participate in the **Dental/Vision FSA**, but will not create a separate fund or otherwise segregate assets for this purpose. The account established hereto will merely be a record keeping account with the purpose of keeping track of Contributions and determining forfeitures.

- **Crediting of Accounts.** A Participant's **Dental/Vision FSA** will be credited following each Salary Reduction actually made during each Period of Coverage with an amount equal to the Salary Reduction actually made.
- **Debiting of Accounts.** A Participant's **Dental/Vision FSA** will be debited during each Period of Coverage for any reimbursement of Dental and Vision Expenses incurred during the Period of Coverage or during a Grace Period as provided below.
- **Available Amount Not Based on Credited Amount.** The amount available for reimbursement of Dental and Vision Expenses is the amount as calculated according to the "Maximum Reimbursement Available" paragraph of this Section above. It is not based on the amount credited to the **Dental/Vision FSA** at a particular point in time.

#### E.6 Use It or Lose It Rule; Forfeiture Of Account Balance

- **Use It or Lose It Rule.** Except for expenses incurred during an applicable Grace Period, if any balance remains in the Participant's **Dental/Vision FSA** for a Period of Coverage after all reimbursements have been made for the Period of Coverage, then such balance shall not be carried over to reimburse the Participant for Dental and Vision Expenses incurred during a subsequent Plan Year. The Participant shall forfeit all rights with respect to such balance. The Grace Period shall begin immediately following the end of the Plan Year and terminate on the 15<sup>th</sup> day of the third calendar month after the end of the Plan Year. Claims must be submitted on or before the **Claims Filing Deadline**.
- **Use of Forfeitures.** All forfeitures under this Plan shall be used as follows:
  - First, to offset any losses experienced by Employer during the Plan Year as a result of making reimbursements with respect to any Participant in excess of the Contributions paid by such Participant through Salary Reductions;
  - Second, to reduce the cost of administering the **Dental/Vision FSA** during the Plan Year or the subsequent Plan Year (all such administrative costs shall be documented by the Plan Administrator); and



- To provide increased Benefits or compensation to all Participants in subsequent years in any weighted or uniform fashion that the Plan Administrator deems appropriate, consistent with applicable regulations.
- **Unclaimed Benefits.** Benefit payments that remain unclaimed by the close of the Plan Year following the Period of Coverage in which the Dental and Vision Expense was incurred shall be forfeited and applied as described above.

#### E.7 Grace Period

- **Special Rules for Claims Incurred During a Grace Period.** The Employer has the discretion to establish a grace period following the end of the Plan Year, as follows:
  - An individual may be reimbursed for Dental and Vision Expenses incurred during a Grace Period from amounts remaining in his or her **Dental/Vision FSA** Account at the end of the Plan Year to which that Grace Period relates (“Prior Plan Year **Dental/Vision FSA** Amounts”) if the individual is either:
    - A qualified beneficiary as defined under COBRA who has COBRA coverage under the **Dental/Vision FSA** Benefit Option on the last day of that Plan Year; or
    - A Participant with **Dental/Vision FSA** coverage that is in effect on the last day of that Plan Year. As a clarification: A participant who terminates coverage before the last day of the Plan Year will not be reimbursed for expenses incurred during the Grace Period associated with that Plan Year. A terminated participant may only be reimbursed for expenses incurred during the participant’s period of coverage (Dental/Vision FSA participants’ coverage ceases at the end of the month following the last contribution).
  - Prior Plan Year **Dental/Vision FSA** Amounts may not be cashed out or converted to any other taxable or non-taxable Benefit Option. For example, Prior Plan Year **Dental/Vision FSA** Amounts may not be used to reimburse Dependent Care Expenses.
  - Dental and Vision Expenses incurred during a Grace Period and approved for reimbursement will be reimbursed first from any available Prior Plan Year **Dental/Vision FSA** Amounts and then from any amounts that are available to reimburse expenses that are incurred during the current Plan Year. An individual’s Prior Plan Year **Dental/Vision FSA** Amounts will be debited for any reimbursement of Dental and Vision Expenses incurred during the Grace Period that is made from such Prior Plan Year **Dental/Vision FSA** Amounts.
  - Claims for reimbursement of Dental and Vision Expenses incurred during a Grace Period must be submitted no later than the **Claims Filing Deadline** to which the Grace Period relates in order to be reimbursed from Prior Plan Year **Dental/Vision FSA** Amounts. Any Prior Plan Year **Dental/Vision FSA** Amounts that remain after all reimbursements have been made for the Plan Year and its related Grace Period shall not be carried over to reimburse the Participant for expenses incurred in any subsequent period. The Participant will forfeit all rights with respect to these amounts, which will be subject to the Plan's provisions regarding forfeitures.

## E.8 Reimbursement Procedure

- **Timing.** Within 30 days after receipt by the Plan Administrator of a reimbursement claim from a Participant, the Employer will reimburse the Participant for the Participant's Dental and Vision Expenses, or the Plan Administrator will notify the Participant that a claim has been denied. This time period may be extended for an additional 15 days for matters beyond the control of the Plan Administrator, including in cases where a reimbursement claim is incomplete. The Plan Administrator will provide written notice of any extension, including the reasons for the extension, and will allow the Participant 45 days from receipt of the written notice in which to complete an incomplete reimbursement claim.
- **Claims Substantiation.** A Participant who has elected to receive limited scope Dental and Vision Reimbursement Benefits for a Period of Coverage may apply for reimbursement by submitting an application to the Plan Administrator by no later than the **Claims Filing Deadline**, setting forth:
  - The person or persons on whose behalf Dental and Vision Expenses have been incurred;
  - The nature and date of the expenses incurred;
  - The amount of the requested reimbursement;
  - A statement that such expenses have not otherwise been reimbursed and the Participant will not seek reimbursement through any other source; and
  - Other such details about the expenses that may be requested by the Plan Administrator in the reimbursement request form or otherwise.

The application shall be accompanied by bills, invoices, or other statements from an independent third party showing that the Dental and Vision Expenses have been incurred and the amounts of such expenses, together with any additional documentation that the Plan Administrator may request. If the Health FSA is accessible by an electronic payment card (e.g., debit card, credit card, or similar arrangement), the Participant will be required to comply with substantiation procedures established by the Plan Administrator in accordance with Section E.13 and applicable IRS guidance regarding electronic payment card programs.

- **Claims Denied.** For appeal of claims that are denied, see the Appeals Procedure in the Plan Document.
- **Claims Ordering; No Reprocessing.** All claims for reimbursement will be paid in the order in which they are approved. Once paid, a claim will not be reprocessed or otherwise recharacterized solely for the purpose of paying it from amounts attributable to a different Plan Year or Period of Coverage.

## E.9 Reimbursements After Termination; Limited COBRA Continuation

The Participant will not be able to receive reimbursements for Dental and Vision Expenses incurred after participation terminates. However, except for expenses incurred during an appropriate Grace Period, such Participant, or the Participant's estate, may claim reimbursement for any Dental and Vision Expenses incurred during the Period of Coverage prior to termination, provided that the Participant, or the

Participant's estate, files a claim by the date established in the Reimbursement Procedure paragraphs above following the close of the Plan Year in which the Dental or Vision Expense was incurred.

Notwithstanding any provision to the contrary in this Plan, to the extent required by COBRA, a Participant and such Participant's Spouse and Dependent(s), whose coverage terminates under the **Dental/Vision FSA** because of a COBRA qualifying event, shall be given the opportunity to continue the same coverage that the Participant had under the **Dental/Vision FSA** the day before the qualifying event, subject to all conditions and limitations under COBRA. The Contributions for such continuation coverage will be equal to the cost of providing the same coverage to an active employee taking into account all costs incurred by the Employee and the Employer plus a 2% administration fee. Specifically, an individual will be eligible for COBRA continuation coverage only if the Participant's remaining available amount is greater than the Participant's remaining Contribution payments at the time of the qualifying event, taking into account all claims submitted before the date of the qualifying event. Such individual will be notified if the individual is eligible for COBRA continuation coverage.

If COBRA is elected, COBRA coverage will be subject to the most current COBRA rules. COBRA will be available only for the remainder of the Plan Year in which the qualifying event occurs. Such COBRA coverage for the **Dental/Vision FSA** will cease at the end of the Plan Year, except for expenses incurred during an appropriate Grace Period, and cannot be continued for the next Plan Year. Coverage may terminate sooner if the Contributions for a Period of Coverage are not received by the due date established by the Plan Administrator for that Period of Coverage. Continuation coverage is only granted after the Plan Administrator has received the Contributions for that period of coverage.

Contributions for coverage for **Dental/Vision FSA** Benefits may be paid on a pre-tax basis for current Employees receiving taxable compensation, as may be permitted by the Plan Administrator on a uniform and consistent basis, but may not be prepaid from Contributions in one Plan Year to provide coverage that extends into a subsequent Plan Year, where COBRA coverage arises either:

- Because the Employee ceases to be eligible because of a reduction of hours; or
- Because the Employee's Dependent ceases to satisfy the eligibility requirements for coverage.

For all other individuals (for example, Employees who cease to be eligible because of retirement, termination of employment, or layoff), Contributions for COBRA coverage for **Dental/Vision FSA** Benefits shall be paid on an after-tax basis, unless permitted otherwise by the Plan Administrator, in its discretion and on a uniform and consistent basis, but may not be prepaid from Contributions in one Plan Year to provide coverage that extends into a subsequent Plan Year.

#### **E.10 Qualified Reservist Distribution**

If a Participant meets all of the following conditions, the Participant may elect to receive a qualified reservist distribution from the **Dental/Vision FSA**:

- The Participant's Contributions to the **Dental/Vision FSA** for the Plan Year as of the date the qualified reservist distribution is requested exceeds the reimbursements the Participant has received from the **Dental/Vision FSA** for the Plan Year as of that date.
- The Participant is ordered or called to active military duty for a period of at least 180 days or for an indefinite period by reason of being a member of the Army National Guard of the United States,

the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, the Coast Guard Reserve, or the Reserve Corps of the Public Health Service.

- The Participant has provided the Plan Administrator with a copy of the order or call to active duty. An order or call to active duty of less than 180 days' duration must be supplemented by subsequent calls or orders to reach a total of 180 or more days.
- The Participant is ordered or called to active military duty on or after April 1, 2009, or the Participant's period of active duty begins before April 1, 2009 and continues on or after the date.
- During the period beginning on the date of the Participant's order or call to active duty and ending on the last day of the Plan Year during which the order or call occurred, the Participant submits a qualified reservist distribution election form to the Plan Administrator.

**Amount of Qualified Reservist Distribution.** If the above conditions are met, the Participant will receive a distribution from the **Dental/Vision FSA** equal to his or her Contributions to the **Dental/Vision FSA** for the Plan Year as of the date of the distribution request, minus any reimbursements received for the Plan Year as of that date.

**No Reimbursement for Expenses Incurred After Distribution Request.** Once a Participant requests a qualified reservist distribution, the Participant forfeits the right to receive reimbursements for Dental and Vision Expenses incurred during the period that begins on the date of the distribution request and ends on the last day of the Plan Year. The Participant may, however, continue to submit claims for Dental and Vision Expenses that were incurred before the date of the distribution request (even if the claims are submitted after the date of the qualified reservist distribution), so long as the total dollar amount of the claims does not exceed the amount of the **Dental/Vision FSA** election for the Plan Year, minus the sum of the qualified reservist distribution and the prior **Dental/Vision FSA** reimbursements for the Plan Year.

**Tax Treatment of a Qualified Reservist Distribution.** If the Participant receives a qualified reservist distribution, it will be included in his or her gross income and will be reported as wages on the Participant's Form W-2 for the year in which it is paid.

#### **E.11 Named Fiduciary**

The Plan Administrator is the Named Fiduciary for the **Dental/Vision FSA**.

#### **E.12 Coordination of Benefits**

**Dental/Vision FSAs** are intended to pay Benefits solely for Dental and Vision Expenses not previously reimbursed or reimbursable elsewhere. Accordingly, the **Dental/Vision FSA** shall not be considered a group health plan for coordination of benefits purposes, and the **Dental/Vision FSA** shall not be taken into account when determining benefits payable under any other plan.

#### **E.13 Debit Cards**

Participants will be required to comply with substantiation procedures established by the Plan Administrator in accordance with applicable IRS guidance regarding electronic payment card programs. In addition, the following provisions shall apply:

- *Initial and Periodic Certification.* Before receiving an electronic payment card, a Participant must certify that he or she will only use the card to pay for Dental/Vision Care Expenses, will not use the card for expenses that have already been reimbursed, will not seek reimbursement under any other health plan for expenses paid for with the card, and will acquire and keep sufficient documentation (see below) for expenses paid with the card. The Participant must also agree to abide by any other the terms and conditions of the card program as set forth herein and in any cardholder agreement issued in conjunction with the card, including but not limited to payment of any fees for participation in the card program and the Plan's right to recoup improper card payments by withholding amounts from Compensation and offsetting against other Dental/Vision FSA claims. The Participant must reaffirm these agreements during each subsequent Open Enrollment Period in order for the card to remain activated. In addition, these agreements are reaffirmed each time the Participant uses the card. Failure to abide by these agreements may result in deactivation of the card.
- *Deactivation of Card.* A Participant's card will be deactivated when participation in the Dental/Vision FSA ceases or at other times as set forth herein (e.g., for failure to comply with the Plan's substantiation and recoupment procedures). A Participant whose card has been deactivated must request reimbursement for Dental/Vision Care Expenses through other methods (e.g., by submitting paper or online claims).
- *Merchants; Card Use.* Card use is limited to eligible merchants as provided in applicable IRS guidance and as further identified by the Plan Administrator or its designee. The card's debit balance (or credit limit, as applicable) must be limited to the amount of the Participant's available reimbursement. Each time the card is swiped, the Participant certifies to the Plan that the expense for which payment under the Dental/Vision FSA is being made is a Dental/Vision Care Expense that has not already been reimbursed from another source and that reimbursement for the expense will not be sought from another source. Use of a card to pay for a service or product is not considered to be a claim for benefits under the Plan; a claim does not arise until a paper or electronic reimbursement request is submitted.
- *Documentation.* For each expense that is paid with the card, the Participant must obtain and retain a bill, invoice, or other statement from the merchant describing the service or product, the date of the service or sale, and the amount of the expense. The documentation must be retained until the close of the Plan Year following the Plan Year in which the card transaction occurred. If the Participant is asked to provide the documentation to the Plan, he or she must do so within the period specified in the request. A Participant who is unable to provide adequate or timely substantiation upon request from the Plan must repay the Plan for the unsubstantiated expense. In addition, the Participant's card may be deactivated.
- *Correction of Improper Payments.* Participants must repay the Plan for any improper payments that are made with their cards. Improper payments may be recouped in accordance with applicable IRS guidance. If the Plan is unable to recoup an improper payment, the Employer will treat the payment as it would treat any other business indebtedness. If the debt is not collected and the Employer forgives the indebtedness, the payment will be treated as wages in the year in which the indebtedness was forgiven.

*AUTHORITY: section 33.103, RSMo 2016. Original rule filed March 15, 1988, effective June 1, 1988. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed June 24, 2021, effective July 9, 2021, expires Jan. 1, 2022.*

*PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.*

*PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.*

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo.

## PROCLAMATION

WHEREAS, on May 30, 2021, the General Assembly adjourned pursuant to Article III, Section 20(a) of the Missouri Constitution; and

WHEREAS, Sections 190.800 to 190.839 RSMo authorize the ground ambulance service reimbursement allowance; and

WHEREAS, Sections 198.401 to 198.439 RSMo authorize the nursing facility reimbursement allowance; and

WHEREAS, Sections 208.431 to 208.437 RSMo authorize the Medicaid managed care organization reimbursement allowance; and

WHEREAS, Sections 408.453 to 408.482 RSMo authorize the federal reimbursement allowance ("FRA"); and

WHEREAS, Sections 338.500 to 338.550 RSMo authorize the pharmacy tax; and

WHEREAS, Section 633.401 RSMo authorize the intermediate care facility for the intellectually disabled assessment; and

WHEREAS, such reimbursement allowances, taxes, and assessments are set to expire on September 30, 2021; and

WHEREAS, the General Assembly adjourned without extending the expiration date of such allowances, taxes, and assessments; and

WHEREAS, the calculation of state revenues for the Fiscal Year 2022 state operating budget included the provision of such allowances, taxes, and assessments to fund primary components of the MO HealthNet program; and

WHEREAS, the expiration of such allowances, taxes, and assessments will cost the State of Missouri approximately \$591 million dollars in fiscal year 2022 and approximately \$788 million dollars in fiscal year 2023; and

WHEREAS, the expiration of such allowances, taxes, and assessments will also result in reduced payments from the MO HealthNet program to healthcare providers in the amount of \$1.53 billion dollars in fiscal year 2022 and \$2 billion dollars in fiscal year 2023; and

WHEREAS, the expiration of such allowances, taxes, and assessments would also require the State of Missouri to institute immediate cost-savings measures, including rate decreases, elimination of non-mandatory MO HealthNet programs, and would result in additional fee schedule changes that would be detrimental to the citizens of the State of Missouri, and our healthcare providers; and

WHEREAS, these costs will significantly interfere with the provision of healthcare to Missourians and could cause disruptions in our state healthcare system.

NOW THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the One Hundred and First General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

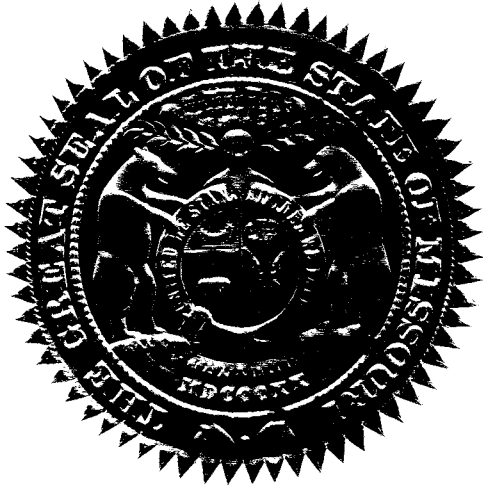
I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 12:00 p.m. on Wednesday, June 23rd, 2021; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To enact legislation amending Section 190.839 RSMo, in order to extend the expiration of the ground ambulance service reimbursement allowance at least three years beyond the expiration date of September 30, 2021;
2. To enact legislation amending Section 198.439 RSMo, in order to extend the expiration of the nursing facility reimbursement allowance at least three years beyond the expiration date of September 30, 2021;
3. To enact legislation amending Section 208.437 RSMo, in order to extend the expiration of the Medicaid managed care organization reimbursement allowance at least three years beyond the expiration date of September 30, 2021;
4. To enact legislation amending Section 208.480 RSMo, in order to extend the expiration of the FRA at least three years beyond the expiration date of September 30, 2021;
5. To enact legislation amending Section 338.550 RSMo, in order to extend the expiration of the pharmacy tax at least three years beyond the expiration date of September 30, 2021;
6. To enact legislation amending Section 633.401 RSMo, in order to extend the expiration of the intermediate care facility for the intellectually disabled assessment at least three years beyond the expiration date of September 30, 2021;
7. To enact legislation amending subdivision (12) of subsection 1 of Section 208.152 RSMo, to exclude “abortifacient drugs or devices” from family planning services, and to further define “abortifacient drugs or devices” to include the following when prescribed and intended for family planning: mifepristone in a regimen with or without misoprostol when used to induce an abortion; misoprostol alone when used to induce an abortion; levonorgestrel (Plan B) when used to induce an abortion; ulipristal acetate (ella) or other progesterone antagonists when used to induce an abortion; an intrauterine device (IUD) or a manual vacuum aspirator (MVA) when used to induce an abortion; or any other drug or device approved by the federal Food and Drug Administration that is intended to cause the destruction of an unborn child, as defined in section 188.015;
8. To enact legislation amending Section 208.659 RSMo, in order to exclude a provider from reimbursement under the uninsured women’s health program if such provider is an abortion facility, as defined in section 188.015, or any affiliate or associate thereof;
9. To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require the advice and consent of the Senate; and



10. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been convened.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 22<sup>nd</sup> day of June, 2021.

A handwritten signature in black ink, reading "Michael L. Parson", written over a horizontal line.

MICHAEL L. PARSON  
GOVERNOR

ATTEST:

A handwritten signature in black ink, reading "John R. Ashcroft", written over a horizontal line.

JOHN R. ASHCROFT  
SECRETARY OF STATE

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 10—Commissioner of Education  
Chapter 1—Organization of the Department**

**PROPOSED AMENDMENT**

**5 CSR 10-1.010 General Department Organization.** The board is amending sections (1) and (2).

*PURPOSE: This amendment further describes methods and procedures by which the public may obtain information.*

(1) The Department of Elementary and Secondary Education (department) is organized under the State Board of Education (board) and serves in an administrative, supervisory, and leadership role as provided by the constitution, statute, and board policy.

(A) Responsibility for policymaking and general oversight of pub-

lic education rests with the board. The board consists of eight (8) persons who are appointed by the governor for eight- (8-)/- year terms.

(B) The chief administrative officer of the board is the commissioner of education (**commissioner**), who is appointed and serves at the pleasure of the board.

(C) **The department is made up of two (2) divisions: The Division of Financial and Administrative Services and the Division of Learning Services. A deputy commissioner who reports directly to the commissioner oversees each division.**

(2) As a public agency, the department is open to requests, submissions, and inquiries from the public. Regular office hours are maintained from 8:00 a.m. to 4:30 p.m. Monday through Friday. The following general procedures are established to assist any person or group seeking information or making requests:

(A) *[Matters]* **Inquiries** concerning a program, policy, or procedure administered by the department should be addressed to 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. Telephone inquiries may be directed to the central department number, (573) 751-4212;

(B) **Requests for records and data—**

1. **Requests pursuant to Chapter 610, RSMo, for existing department records may be made to the records custodian via email at [recordscustodian@dese.mo.gov](mailto:recordscustodian@dese.mo.gov). Please see 5 CSR 10-3.010, Access to Public Records and Fees for Copying of Public Records, for more details;**

2. **Requests for personal records should be made by an employee, parent, eligible student, client, or person who has been authorized to receive records on their behalf, as follows:**

A. **Employee record requests should be made to the employee's human resources office;**

B. **State school record requests may be made to—**

(I) **The Missouri School for the Blind at 3815 Magnolia Avenue, St. Louis, MO 63110;**

(II) **The Missouri School for the Deaf at Missouri School for the Deaf, Attn: Superintendent's Office, 505 E. 5th Street, Fulton, MO 65251; or**

(III) **The Missouri School for the Severely Disabled at [mssd@dese.mo.gov](mailto:mssd@dese.mo.gov);**

C. **Parent requests for their student's Child Complaint documentation or Due Process complaints should be made to [secompliance@dese.mo.gov](mailto:secompliance@dese.mo.gov);**

D. **Adult education and literacy and high school equivalency record requests should be made to [ael@dese.mo.gov](mailto:ael@dese.mo.gov);**

E. **Record request for Disability Determination Services and Vocational Rehabilitation should be made to [info@vr.dese.mo.gov](mailto:info@vr.dese.mo.gov); and**

F. **Record requests for Veterans' Education should be made to [mosaa@dese.mo.gov](mailto:mosaa@dese.mo.gov);**

3. **Requests for data reports should be made to the Office of Data Management via web application at <https://apps.dese.mo.gov/DataRequestForm/DataRequest.aspx>;**

*[(B)](C)* **Questions concerning local school districts in most cases should be directed to the district itself or to the area supervisor; and**

*[(C)](D)* **Meetings of the board are usually held monthly and are open to the public. The date, time, and place of these meetings are publicized as required by section 161.072, RSMo. Department meetings are held pursuant to Chapter 610, RSMo, unless otherwise specified by statute.**

*AUTHORITY: sections 161.092 and 536.023(3), RSMo [Supp. 2013] 2016. Original rule filed May 28, 1976, effective Oct. 1, 1976. Amended: Filed July 11, 1977, effective Oct. 15, 1977. Amended: Filed Aug. 27, 2013, effective March 30, 2014. Amended: Filed June 16, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Attention: Governmental Affairs, PO Box 480, Jefferson City, MO 65102-0480 or by email to DESE.AdminRules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 10—Commissioner of Education  
Chapter 3—Public Records**

**PROPOSED RULE**

**5 CSR 10-3.010 Access to Public Records and Fees for Copying of Public Records**

*PURPOSE: This rule supplements the requirements of Chapter 610, RSMo, and prescribes requirements for individuals and organizations to gain access to public records of the Missouri Department of Elementary and Secondary Education and the fees for copying of those public records.*

(1) In this rule the following words shall mean:

(A) The “department” shall mean the Missouri Department of Elementary and Secondary Education including any office, division, section, center, unit, or part thereof; and

(B) The remainder of the terms used in this rule shall have the same meaning as that set forth in Chapter 610, RSMo.

(2) For requests for public records made under Chapter 610, RSMo, the Chief Communications Officer of the department shall be the custodian of records. All requests for access to, or copying of, public records made to the department under Chapter 610, RSMo, shall be directed to the Chief Communications Officer. Such requests may be made in person, by telephone, electronic mail, facsimile, internet, postal mail, or by any other convenient means to the department’s Custodian of Records at the following address: Chief Communications Officer, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102; or [recordscustodian@dese.mo.gov](mailto:recordscustodian@dese.mo.gov).

(3) Copies of public records shall be provided by the department and shall be subject to the department’s collection of search, research, copy fees, and shipping charges as set forth in section 610.026, RSMo. Requesters may avoid shipping charges by accepting their records electronically or by picking up their requested documents at Governmental Affairs Office, Missouri Department of Elementary and Secondary Education, 205 Jefferson Street, 6th Floor, Jefferson City, MO 65101. Requesters shall request to pick up their requested records at the time of their initial request.

(4) Fees for duplicating other types of records and other formats including electronic data shall be based on the actual cost of search and duplication, or as otherwise provided by section 610.026, RSMo.

*AUTHORITY: section 161.092, RSMo 2016, and sections 610.010–*

*610.030, RSMo Supp. 2020. Original rule filed June 16, 2021.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention: Governmental Affairs, PO Box 480, Jefferson City, MO 65102-0480 or by email to DESE.AdminRules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 100—Office of Quality Schools**

**PROPOSED AMENDMENT**

**5 CSR 20-100.220 Internet Filtering.** The board is removing section (1) and adding new sections (1)–(3).

*PURPOSE: This proposed amendment updates the rule to include complete references to applicable federal law and provides the standards by which public schools will be held to comply with state law.*

*[(1) This rule is designed to restrict minors from gaining access to inappropriate material on the Internet. Public school districts should review and comply with the standards set forth in the Federal Children’s Internet Protection Act (CIPA) and the Neighborhood Children’s Internet Protection Act (NCIPA) which are incorporated by reference and made a part of this rule.]*

**(1) Public school districts and public charter schools that offer public access computers, as defined in section 182.825, RSMo, must implement software and/or develop a policy that restricts minors’ ability to access pornographic material pursuant to section 182.827, RSMo.**

**(2) Public school districts and public charter schools that receive discounts for internet access and internal connections pursuant to 47 U.S.C. section 254(h) and (l) must certify that they are compliant with the Children’s Internet Protection Act (CIPA) (47 C.F.R. section 54.520), which requires the public school district or public charter school to have an Internet safety policy. Therefore, 47 U.S.C. section 254 and 47 C.F.R. section 54.520 are hereby incorporated by reference and made part of this rule, as published by the U.S. Government Publishing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, on June, 2021. A copy of these regulations can also be obtained from the Department of Elementary and Secondary Education, Office of Quality Schools, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480, and its website at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials>. This rule does not incorporate any subsequent amendments or additions.**

**(3) Public school districts and public charter schools must annually certify to the Department of Elementary and Secondary Education through the Assurance Checklist if they have met**

either section (1) or (2) of this provision, based on their circumstances.

**AUTHORITY:** sections 161.092, **182.825**, and 182.827, *RSMo [Supp. 2002] 2016*. This rule previously filed as 5 CSR 50-380.020. Original rule filed Oct. 29, 2002, effective April 30, 2003. Moved to 5 CSR 20-100.220, effective Aug. 16, 2011. Amended: Filed June 17, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Jocelyn Strand, Coordinator, Office of Quality Schools, PO Box 480, Jefferson City, MO 65102-0480 or by email at [MSIP@dese.mo.gov](mailto:MSIP@dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 9—DEPARTMENT OF MENTAL HEALTH**

### **Division 10—Director, Department of Mental Health**

#### **Chapter 5—General Program Procedures**

### **PROPOSED AMENDMENT**

**9 CSR 10-5.210 Exceptions Committee Procedures.** The department is amending sections (1)-(4), (6), and (8)-(10) of this rule.

**PURPOSE:** This amendment updates terminology, adds language to section (2) regarding employment of Certified Peer Specialists, revises the time period for repeating an exception request in section (6), and adds language to section (9) regarding rescission of decisions made by the exception's committee.

(1) Definitions. The following terms are defined as follows:

(A) Disqualifying incident, a crime which under 9 CSR 10-5.190 results in a person being disqualified from employment, or one (1) or more administrative findings of abuse, neglect, or misuse of *[client]* funds/*property* which, under 9 CSR 10-5.200 leads to a person being listed on the Department of Mental Health disqualification registry;

(B) Exception, a decision by the department not to enforce an administrative rule under the individual circumstances described in the request for an exception and the conditions described in the approval. *[None of the following are subject matter of an exception]* The following requests for exceptions will not be considered:

1. A contention that the rule is not valid;
2. A contention that the provider is in fact in compliance with the rule; and
3. A request for an interpretation of a rule.

(2) Rules Subject to an Exception. Only the following rules may be the subject of an exception:

(A) Licensure rules for **community residential [facilities] programs** and day programs promulgated under 9 CSR 40;

(B) Certification rules for *[alcohol and drug abuse]* **substance use disorder prevention and treatment** programs and *[psychiatric]* **mental health** programs promulgated under 9 CSR 10-7 and 9 CSR 30;

(C) Certification rules under 9 CSR 45 for programs serving per-

sons *[who are]* with **intellectual or developmental/ly disabled/ disabilities (IDD)** under the **Medicaid Home and Community-Based Services Waiver [P]programs**;

(E) Rules related to disqualification from employment under 9 CSR 10-5.190 and 9 CSR 10-5.200. In the context of employment disqualification the following apply~~./~~:

1. A person may not request an exception until twelve (12) months have passed since the sentence of the court or since the department gave official notice of the person's name being added to the Department of Mental Health disqualification registry.

**A. This subsection does not apply to individuals who have been certified by the Missouri Credentialing Board as a Peer Specialist and are supported for an exception by a substance use disorder treatment program, mental health program, or recovery support program that is operated, licensed, certified, accredited, in possession of deemed status, or funded by the Division of Behavioral Health.** If an exception is granted to the individual under this provision, it shall be limited to the individual's employment at the supporting program. Should the individual end employment with the substance use disorder treatment program, mental health program, or recovery support program during the twelve (12) months since the sentence of the court, the individual must seek a new exception that is subject to the same limitations as set forth herein. Once twelve (12) months have passed since the sentence of the court, the limitations set forth herein are no longer required; and

2. The exceptions option under this administrative rule does not replace or substitute for the appeal procedures afforded under Department Operating Regulation (DOR) 2.205 and 9 CSR 10-5.200 or any other administrative process. A person is not required to exhaust the appeal procedures as a prerequisite to requesting an exception; however, an exception will not be considered while an appeal is pending.

(3) *[Who may apply for an exception?]* **Eligibility for an Exception. The following may apply for an exception:**

(A) A chief executive officer, or designee, on behalf of a **community residential [facility] program**, day program, or specialized service, or an employee thereof~~./~~;

(B) An individual *[may request an exception]* on his or her *[own]* behalf, with respect to disqualification from employment under 9 CSR 10-5.190 and 9 CSR 10-5.200~~./~~;

(C) A facility operated by the department on behalf of a **community residential [facility] program**, day program, or specialized service licensed, operated, **certified, accredited, in possession of deemed status**, or funded by the department~~./~~; and

(4) *[How to request an e/Exceptions Process. Requests for an exception must include the information specified in this rule in order to be considered by the exceptions committee.*

(B) In addition, the following additional items must be part of a request under 9 CSR 10-5.190, related to disqualification from employment~~./~~:

1. A letter from the disqualified person containing the following information:

- A. A description of the disqualifying incident;
- B. When the disqualifying incident occurred;
- C. If the disqualifying incident was a crime, the sentence of the court;
- D. Mitigating circumstances, if any;
- E. Activities and accomplishments since the disqualifying incident;
- F. The names and dates of any relevant training or rehabilitative services;
- G. The type of service and/or program the applicant wishes to provide for *[mental health clients]* **individuals with an IDD or a behavioral health disorder**;
- H. Identification of the type of employment or position the

applicant wishes to maintain or obtain and the name of the [mental health] **IDD, substance use disorder, or mental health** program in which he or she wishes to work or continue working; and

I. Changes in personal life since the disqualifying incident (e.g., marriage, family, and education);

2. References, i.e., written recommendations from at least three (3) persons who verify the applicant's assertions; and

3. Work history, with particular emphasis on work in the [mental] **IDD and/or behavioral** health field.

(C) Request for exceptions should be sent to Exceptions Committee Coordinator, Office of [Quality Management] **General Counsel**, Department of Mental Health, PO Box 687, Jefferson City, MO 65102.

(6) **Decisions.** Decisions of the exceptions committee are not subject to appeal. [However p]Persons aggrieved by a decision may modify and repeat a request after [ninety (90) days] **six (6) months.** [Persons requesting an exception under 9 CSR 10-5.190 must wait twelve (12) months before repeating a request.]

(8) Expiration Date for an Exception.

(A) An exception becomes null and void without any further action by the department under any of the following circumstances[.];

1. An expiration date is announced in the letter of approval[.];

2. The subject for whom the exception was granted changes employment[.]; or

3. There are changes in other circumstances [described in the request] **specified in the exception approval letter that invalidates the justification for granting the exception.**

(9) **Rescinding Decisions.** The exceptions committee may rescind any exception if, in its judgment, any of the following occur:

(A) The provider failed to meet a condition of the exception[,] or to maintain documentation required under section (7) **of this rule;**

(B) It is discovered [that] the request contained misleading, incomplete, or false information; [or]

(C) The exception results in poor quality of care, or risk/harm to an [client or resident.] **individual being served; or**

(D) **The applicant received new criminal charges since the exception was granted.**

(10) **Notice of Rescission.** If the committee rescinds an exception, the committee shall provide all concerned parties with a notice of rescission with an effective date. There shall be no appeal of a rescission of an exception.

**AUTHORITY:** sections 630.050, **630.170**, and 630.656, RSMo [2000 and 630.170, RSMo Supp. 2003] **2016.** Original rule filed Feb. 23, 2001, effective Sept. 30, 2001. Amended: Filed Nov. 3, 2003, effective April 30, 2004. Amended: Filed April 13, 2004, effective Oct. 30, 2004. Amended: Filed June 30, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Denise Thomas, General Counsel, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, or by courier within thirty (30) days after publication of this notice in the **Missouri Register.** If to be hand-delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm Street, Jefferson City, Missouri. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH**  
**Division 40—Licensing Rules**  
**Chapter 5—Rules for Group Homes and Residential Centers**

**PROPOSED RESCISSION**

**9 CSR 40-5.015 Physical Plant.** This rule prescribed physical plant requirements in certain community residential facilities as required by section 630.710, RSMo.

**PURPOSE:** The department is rescinding this rule. Environmental requirements are included in 9 CSR 40-1.085 Environment.

**AUTHORITY:** sections 630.050 and 630.705, RSMo (1994). Original rule filed Oct. 13, 1983, effective Jan. 15, 1984. For intervening history, please consult the **Code of State Regulations.** Rescinded: Filed June 30, 2021.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission by writing to Denise Thomas, General Counsel, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, or by courier within thirty (30) days after publication of this notice in the **Missouri Register.** If to be hand-delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm Street, Jefferson City, Missouri. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH**  
**Division 40—Licensing Rules**  
**Chapter 5—Rules for Group Homes and Residential Centers**

**PROPOSED RESCISSION**

**9 CSR 40-5.035 General Medical and Health Care.** This rule prescribed general medical and health care requirements for certain community residential facilities as required by section 630.710, RSMo.

**PURPOSE:** The department is rescinding this rule. General medical and health care requirements are included in 9 CSR 40-1.075 Person-Centered Services.

**AUTHORITY:** sections 630.050 and 630.705, RSMo (1994). Emergency rule filed Sept. 20, 1983, effective Oct. 1, 1983, expired Jan. 15, 1984. Original rule filed Oct. 13, 1983, effective Jan. 15, 1984. For intervening history, please consult the **Code of State Regulations.** Rescinded: Filed June 30, 2021.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission by writing to

*Denise Thomas, General Counsel, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm Street, Jefferson City, Missouri. No public hearing is scheduled.*

**Title 9—DEPARTMENT OF MENTAL HEALTH**  
**Division 40—Licensing Rules**  
**Chapter 5—Rules for Group Homes and**  
**Residential Centers**

**PROPOSED RESCISSION**

**9 CSR 40-5.055 Food Services.** This rule prescribed food service requirements in certain community residential facilities as required by section 630.710, RSMo.

*PURPOSE:* The department is rescinding this rule. Dietary requirements are included 9 CSR 40-1.080 Dietary Services.

*AUTHORITY:* sections 630.050 and 630.705, RSMo (1994). Original rule filed Oct. 12, 1983, effective Jan. 15, 1984. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed June 30, 2021.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission by writing to Denise Thomas, General Counsel, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, or by courier within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm Street, Jefferson City, Missouri. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH**  
**Division 40—Licensing Rules**  
**Chapter 5—[Rules for] Group Homes and**  
**Residential Centers Serving Individuals with Intellectual**  
**and Developmental Disabilities**

**PROPOSED AMENDMENT**

**9 CSR 40-5.075 Adequate Staff.** The department is amending the chapter title and purpose, deleting current sections (1)-(8) and (12)-(21), adding new sections (1), (2), and (6), and amending and renumbering sections (9)-(11).

*PURPOSE:* This amendment updates terminology and staffing requirements for group homes and residential centers licensed by the department.

*PURPOSE:* This rule prescribes the staffing requirements for [personnel employed in certain community residential facilities as required by section 630.710, RSMo] group homes and residential centers subject to licensure from the department.

*[(1) Each residential facility shall have a chief administrative officer referred to in these rules as the head of the facility. The head of the facility shall—*

*(A) Be empowered to make decisions regarding the operation of the facility; and*

*(B) Delegate a capable person who is empowered to act for him/her when absent from the facility.*

*(2) The head of the facility shall report any change in the ownership, management or administration to the department within five (5) days.*

*(3) The head of the facility shall provide business and personal references and shall cooperate with regional center staff in a study of his/her qualifications to manage a community residential facility.*

*(4) At the time of employment and annually after that, all personnel including physical therapists, occupational therapists and volunteers who have frequent (regularly scheduled at least once per week) and direct contact with residents and any member of the household shall have a statement from their physician stating they have been screened for signs and symptoms of contagious diseases. The physician's statement shall indicate the specific communicable diseases for which the person has been tested.*

*(5) Any employee diagnosed or suspected of having a contagious or infectious disease shall not work directly with residents or food service until a written statement is obtained from a physician that the disease is no longer contagious or is found to be noninfectious.*

*(6) The facility shall give each employee a written job description.*

*(7) The facility shall keep job descriptions for all positions on file.*

*(8) Each facility shall have as a minimum a daily direct care staff to resident ratio as follows, unless program needs or client needs justify otherwise:*

*(A) For facilities serving children under the age of six (6) years, residents who are severely and profoundly retarded, severely physically disabled or residents who are aggressive, assaultive or security risks, or who manifest severely hyperactive behavior—*

- 1. One to four (1:4) on the first shift;*
- 2. One to four (1:4) on the second shift; and*
- 3. One to eight (1:8) on the third shift;*

*(B) For facilities serving residents who are moderately mentally retarded requiring habit training—*

- 1. One to sixteen (1:16) on the first shift;*
- 2. One to eight (1:8) on the second shift; and*
- 3. One to sixteen (1:16) on the third shift;*

*(C) For facilities serving residents in vocational training programs and adults who work in sheltered employment situations—*

- 1. One to thirty-two (1:32) on the first shift;*
- 2. One to sixteen (1:16) on the second shift; and*
- 3. One to thirty-two (1:32) on the third shift;*

*(D) For purposes of this section, shifts are defined as follows:*

- 1. First shift—approximately 7:00 a.m. to 3:00 p.m.;*
- 2. Second shift—approximately 3:00 p.m. to 11:00 p.m.; and*
- 3. Third shift—approximately 11:00 p.m. to 7:00 a.m.;*

*(E) The staff/resident ratios are minimum staff requirements and an increase in residents above the maximum*

*allowed in the staff/resident ratio shall require additional staff;*

*(F) Staff required under this section shall be dressed and awake at night as required by residents' needs and the size of the facility;*

*(G) When residents are absent from the facility, staffing levels may be proportionately reduced;*

*(H) If all residents are absent from the facility, staff are required to be available to the residents for emergencies;*

*(I) Program needs or resident needs may justify alternate staffing levels based on the following considerations:*

- 1. The physical layout of the facility;*
- 2. If residents are awake and active at night;*
- 3. If there are any residents who are blind or deaf;*
- 4. Qualifications of the staff;*
- 5. The number of individual goals and objectives for the residents;*
- 6. Obvious indications that staff is unable to meet the needs of residents being served or is unable to meet minimum housekeeping; and maintenance rules, or both; and*
- 7. The availability of backup staff; and*

*(J) A resident may be at home without the presence of staff, for a specific period of time, if it is documented in the individualized habilitation plan (IHP) or individualized treatment plan (ITP) that the resident has the necessary knowledge and skills to function safely.]*

**(1) Licensed group homes and residential centers shall comply with 9 CSR 40-1, unless specified otherwise in this rule.**

**(2) Staffing requirements shall be as follows, unless program needs or the needs of individuals served justify otherwise:**

**(A) Programs providing a group living arrangement and minimum level of habilitation and supervision for individuals with mild to moderate levels of adaptive functioning, are ambulatory or mobile non-ambulatory, have basic self-help skills but may need minimal assistance or prompting with daily skills, and have no severe medical or maladaptive behaviors—**

- 1. Day and evening shifts—one (1) staff to eight (8) individuals served (1:8);**
- 2. Night shift—one (1) staff to sixteen (16) individuals served (1:16);**

**(B) Programs providing a group living and habilitation environment for individuals with moderate to severe levels of adaptive functioning, are ambulatory or mobile non-ambulatory, need training in basic self-help skills, socialization, and daily living skills, and have no severe medical needs or severe maladaptive behaviors—**

- 1. Day and evening shifts—one (1) staff to four (4) individuals served (1:4);**
- 2. Night shift—one (1) staff to eight (8) individuals served (1:8);**

**(C) Programs providing a habilitation environment for individuals with various levels of adaptive functioning, are non-ambulatory and unable to provide for their own needs, or ambulatory/non-ambulatory with intensive medical/physical needs or severe maladaptive behaviors—**

- 1. Day and evening shifts—one (1) staff to three (3) individuals served (1:3); and**
- 2. Night shift—one (1) staff to six (6) individuals served (1:6);**

**(D) For purposes of this section of this rule, shifts are defined as follows:**

- 1. Day shift—approximately 7:00 a.m. to 3:00 p.m.;**
- 2. Evening shift—approximately 3:00 p.m. to 11:00 p.m.; and**

- 3. Night shift—approximately 11:00 p.m. to 7:00 a.m.;**

**(E) The ratios are minimum staff requirements. An increase in**

**the number of individuals being served above the maximum specified in this section of this rule shall require additional staff;**

**(F) Staff required under this section of this rule shall be dressed and awake at night, as required by the needs of individuals served and the size of the physical facility;**

**(G) When individuals served are absent from the program, staffing levels may be proportionately reduced. If all individuals are absent from the program, staff shall be available by telephone twenty-four (24) hours per day, seven (7) days per week to respond to emergencies that may occur with individuals served;**

**(H) Program needs or the needs of individuals served may justify alternate staffing ratios based on the following considerations:**

- 1. The physical layout of the facility;**
- 2. If individuals served are awake and active at night;**
- 3. If there are individuals who are blind and/or deaf;**
- 4. Qualifications of the staff;**
- 5. Goals and objectives of individuals served;**
- 6. Obvious indications that staff are unable to meet the needs of individuals being served or are unable to meet minimum environmental requirements; and**
- 7. The availability of backup staff; and**

**(I) An individual may be at the program without the presence of staff for a specific period of time, if it is documented in the individual support plan (ISP) that the individual has the necessary knowledge and skills to function safely.**

**[[9]](3) All staff responsible for direct care of [residents] individuals served shall be eighteen (18) years of age or older.**

**[[10]](4) In addition to direct care staff, there shall be sufficient personnel to provide basic services [such as food service, housekeeping, laundry and plant] including, but not limited to, dietary and maintenance of the environment/facility. Volunteers shall not be considered in the computation of adequate staff.**

**[[11]](5) A [facility] program which accepts [residents] individuals in need of considerable nursing care shall employ a licensed registered nurse (RN). Considerable nursing care may include, but is not [be] limited to, injections, inhalation therapy, intravenous fluids, suctioning, ostomy irrigation, lesion dressing, aseptic dressing, catheter irrigation, care for pressure sores, and physiotherapy.**

**(A) The RN shall be designated the nurse in charge and shall—**

- 1. Be responsible for twenty-four- (24-)/- hour nursing care of [residents] individuals, including the storage and administration of medications and [the] maintenance of medical records and nursing records;**
- 2. Share responsibilities with the [head of the facility] program director and attending physician['s responsibility] for drug control procedures, environmental health, safety, and dietary procedures;**
- 3. Be on call when licensed practical nurses (LPNs) are on duty; and**

**4. [Have] Ensure an LPN is on duty when the licensed RN is not present at the [facility, except that LPNs are not required if staff on the night shift are trained in emergency medical procedures and medications administration] program. Unless the needs of individuals require nursing oversight, an LPN is not required if staff on the night shift are trained in emergency medical procedures and medication administration.**

**(B) The required RN may be hired on a consultant basis if—**

- 1. The needs of the [residents] individuals do not require his/her presence at the [facility] program; and**
- 2. [S/he] He or she assumes the responsibilities outlined under paragraphs [[11]](A)1. and 2.] (5)(A)1. and 2. of this rule.**

**[[12] All staff administering medications shall have successfully completed a course on medication administration. This**

training shall be updated every two (2) years. The initial training and biennial update shall—

(A) Be approved by the regional center or placement office;

(B) Be offered by an instructor who is a LPN certified by the Division of Aging as an instructor, a RN, a pharmacist or a physician;

(C) Not apply to LPNs, RNs or certified medication technicians with lifetime certificates; and

(D) Be documented in the recipient's personnel file.

(13) The course to update training in medication administration shall address at least the following:

(A) Review of Basics.

1. Medication ordering and storage.

2. Medication administration.

A. Use of generic drugs.

B. How to pour, chart, administer and document.

C. Information and techniques specific to the following: inhalers, eye drops, topical medications, insulin injections and suppositories.

D. Infection control.

3. Individual rights and refusal of medications and treatment;

(B) Issues specific to the facility/program as indicated by the needs of the residents/clients, and the medications and treatments currently being administered.

1. Emergency response.

2. Medication allergies.

3. Corrective actions based on problems identified by the staff, the trainees or issues identified by regulatory and accrediting bodies, professional consultants or by any other authoritative source; and

(C) Updates on new medications or new procedures.

(14) Each facility shall make arrangements with a physician and dentist, licensed in the state where the care is provided, to assume overall responsibility for medical and dental care. There shall be provisions for a relief physician.

(15) If residents require teaching of dining skills or assistance in eating, the facility shall have adequate staff to meet these needs and to assure that each resident receives an adequate amount of food.

(16) The facility shall have sufficient backup staff to provide services to residents and to meet licensing staffing requirements at all times.

(17) On initial application, before a final license is granted, the head of the facility and staff designated by the department shall attend an initial training session designed by the department.

(18) The head of the facility and staff designated by the department shall attend continuing education provided by the department as required. This training may be obtained through the department or, with prior approval from other sources in the community. Records of attendance shall be kept in the facility's personnel files and by the department.

(19) Each facility shall provide a staff training program that includes orientation for all new employees to acquaint them with the philosophy, organization, program, practices and goals of the facility.

(20) All facility staff shall be knowledgeable about the facility's policies and procedures.

(21) Staff shall be trained in the use of cardiopulmonary resuscitation (CPR) and first-aid so that at least one (1) person with these skills is on duty at all times. Depending on the configuration of the building and the number of residents, more than one (1) trained staff person per shift may be required. The training and periodic reviews shall be in accordance with the guidelines of the American Red Cross, the American Heart Association, the National Safety Council, or other nationally recognized training organization.]

(6) Staff shall participate in training as required by the department. Records of attendance and documentation of successful completion of training shall be maintained as specified in 9 CSR 40-1.060(4)(E).

*AUTHORITY:* sections 630.050 and 630.705, RSMo [(1994)] 2016. Emergency rule filed Sept. 20, 1983, effective Oct. 1, 1983, expired Jan. 15, 1984. Original rule filed Oct. 13, 1983, effective Jan. 15, 1984. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 30, 2021.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Denise Thomas, General Counsel, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, or by courier within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm Street, Jefferson City, Missouri. No public hearing is scheduled.

## Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

### Division 30—Division of Regulation and Licensure Chapter 20—Hospitals

#### PROPOSED AMENDMENT

**19 CSR 30-20.100 Pharmacy Services and Medication Management.** The department is adding a new section (2) and renumbering the remaining sections as necessary.

*PURPOSE:* This amendment adds a new section (2) which allows pharmacy technicians to perform additional duties relating to the authentication of medications selected by other pharmacy technicians and perform other duties remotely if performed under the visual and auditory supervision of a pharmacist.

(2) In addition to other authorized duties, a pharmacy technician may perform the following duties:

(A) Authenticate medication selected by another pharmacy technician when a pharmacist is present for purposes of distribution within the hospital for subsequent administration by hospital staff authorized to administer medication, provided the final product is verified by authorized hospital staff prior to administration. A pharmacy technician shall not be authorized to authenticate compounded medications or the repackaging activities of another pharmacy technician. In order to authenticate medication as described in this section, the pharmacy technician must—



1. Hold an active pharmacy technician certification issued by a certification entity accredited by the National Commission for Certifying Agencies;

2. Have an initial and annual documented assessment of competency; and

3. Have assisted in the practice of pharmacy as a registered or licensed pharmacy technician in the state of Missouri or another U.S. state or territory for a minimum of one (1) year; and

(B) Perform assigned duties under visual and auditory supervision of a pharmacist at a different site, including, technology assisted medication authentication. Documentation of electronic authentication shall be maintained at the dispensing site.

1. The pharmacy technician shall have a current certificate issued by a certification entity accredited by the National Commission for Certifying Agencies.

2. The pharmacy technician shall have completed training and documented competency in the assigned responsibilities being performed remotely as attested by the director of pharmacy.

3. The director of pharmacy is responsible for developing and implementing standards to ensure adequate supervision of electronically supervised technicians.

[(2)](3) An intern pharmacist licensed by the Board of Pharmacy may also perform any activity authorized for pharmacy technicians pursuant to this rule.

[(3)](4) Persons involved in compounding, repackaging, dispensing, administration, and controlled substance disposal shall be identified and the records shall be retrievable. Retention time for records of bulk compounding, repackaging, administration, and all controlled substance transactions shall be a minimum of two (2) years. Retention time for records of dispensing and extemporaneous compounding, including sterile medications, shall be a minimum of six (6) months.

[(4)](5) All variances, discrepancies, inconsistencies, or non-compliance involving controlled substances—including inventory, audits, security, record keeping, administration, and disposal—shall be reported to the director of pharmacy services for review and investigation.

[(5)](6) Patient medications may be received from an authorized provider. The medications shall—

(A) Be delivered directly to the pharmacy and not to a patient care area unless the pharmacist is not available;

(B) When a pharmacist is present, be identified, determined suitable for use and documented by the pharmacist. When a pharmacist is not present, be identified and documented by an authorized practitioner. Unused doses of medication shall be identified by the pharmacist when the pharmacist is present; and

(C) The pharmacy may compound, repackage, or re-label medications received from an outside provider, including prescriptions dispensed by a pharmacy, as necessary for proper distribution and administration. Records of compounding, repackaging, or relabeling of prescriptions dispensed by a pharmacy shall allow identification of the original prescription.

[(6)](7) Sample medications, if allowed, shall be received and distributed only by the pharmacy.

[(7)](8) Medications may be provided to patients for use outside the hospital, by persons other than the pharmacist.

(A) When the patient is a registered patient of the emergency department or is being discharged from the hospital—

1. Medications shall be provided according to the hospital's policies and procedures, including:

A. Circumstances when medications may be provided;

B. Practitioners authorized to order;

C. Specific medications;

D. Limited quantities;

E. Prepackaging and labeling by the pharmacist;

F. Final labeling to facilitate correct administration;

G. Delivery;

H. Counseling; and

I. A transaction record./;

2. Medications shall be labeled with the date, patient's name, prescriber's name, name and address of the hospital, exact medication name and strength, instructions for use, and other pertinent information;

3. Medications may be provided only when prescription services from a pharmacy are not reasonably available. Reasonably available includes a pharmacist on duty in the hospital or a community pharmacy that is reasonably accessible to the patient;

4. The medication provided shall be limited to urgently needed treatment;

5. The quantity of medication provided shall be limited to the amount necessary until pharmacy services are available;

6. The provisions of paragraph (A)3. and paragraph (A)5. of this subsection shall not apply when the patient is being treated for an acute condition and it is believed that the immediate health and welfare of the patient and/or the community are in jeopardy. The quantity limit may be extended to provide single-course therapy; and

7. Final labeling, delivery, and counseling shall be performed by a pharmacist, the prescriber or a registered nurse, except that final labeling and delivery may be performed by an automated dispensing system.

(B) Automated dispensing systems may be used in accordance with all requirements of this section—

1. When the automated dispensing system is controlled by the prescriber it may be used only during times when no pharmacy services are reasonably available, except as allowed in paragraph (A)6. of this section; and

2. When the automated dispensing system is controlled by a pharmacy according to regulations of the Missouri Board of Pharmacy, including, but not limited to 20 CSR 2220-2.900.

(C) Medications in multidose containers that were administered to or used for the patient during the patient's hospital stay may be sent with the patient at discharge when so ordered by an authorized practitioner.

1. Examples of multidose medication containers include, but are not limited to, inhalers, ointments, creams, medications requiring the original container for dispensing, insulin pens, eye drops, ear drops, and infusions that are currently connected to the patient's infusion device.

2. Written instructions for use shall be provided by a pharmacist, prescriber, or registered nurse at the time of discharge.

3. Controlled substances shall not be sent with the patient, except that controlled substance infusions or continuous delivery systems currently connected to the patient may be sent as follows:

A. The medication is necessary for administration during transport of the patient; and

B. The quantity of controlled substance sent is documented in the patient's medical record by the person sending the medication.

[(8)](9) The director of pharmacy services or his/her pharmacist designee shall be an active member of the pharmacy and therapeutics committee or its equivalent, which shall advise the medical staff on all medication matters.

[(9)](10) Medications shall be ordered only by practitioners who have independent statutory authority to prescribe or who are authorized to order medications by their professional licensing agency as provided by state law. Authority to order medications may be granted to a non-physician licensed practitioner in accordance with state law.

~~[(10)](11)~~ Medications in the possession of the patient at time of admission shall be given to the patient's representative unless there is an identified need to retain them.

(A) Medications that are not given to the patient's representative and that are not to be administered shall be documented, sealed, and stored in a locked area accessible only to individuals authorized to access medications.

(B) Controlled substances shall be security sealed and stored in a locked area accessible only to individuals authorized to administer controlled substances or to authorized pharmacy personnel.

*AUTHORITY: sections 192.006 and 338.165, RSMo 2016, and section 197.080, RSMo Supp. [2019] 2020. This rule previously filed as 19 CSR 30-20.021(3)(G). Original rule filed June 27, 2007, effective Feb. 29, 2008. Rescinded and readopted: Filed March 20, 2019, effective Nov. 30, 2019. Amended: Filed June 25, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) annually.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Health and Senior Services, Division of Regulation and Licensure, Steve Bollin, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**

### **Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects Chapter 4—Applications**

#### **PROPOSED AMENDMENT**

**20 CSR 2030-4.100 Applications—Formerly Licensed.** The board is amending section (3), adding new section (4), and renumbering as necessary.

*PURPOSE: This rule is being amended to come into compliance with the provisions of HB 2046 which went into effect on August 28, 2020 by specifically providing timelines and procedures for applicants for admission by comity under section 324.009, RSMo.*

(3) Any person who applies for licensure by comity under section 327.381, RSMo, after revocation or voluntary surrender of a Missouri license must meet the following criteria for licensure:

**(C) Upon passage of any Missouri-specific examination required for licensure in the applicant's profession, the applicant may apply for issuance of a new license as if never licensed.**

**(4) Any person who applies for licensure by comity under section 324.009, RSMo, after revocation or voluntary surrender of a Missouri license must meet the following criteria for licensure:**

**(A) After five (5) years have passed from the effective date of the order of revocation or affidavit of voluntary surrender, an applicant eligible for licensure by comity under section 324.009, RSMo may file an application for a new license without examination.**

**(B) Unless waived by the board under the terms of sections 324.009.3 and 324.009.4, RSMo, an applicant under this subsection must show proof of completion of the continuing education**

**hours consistent with the requirements of 20 CSR 2030 Chapter 8 and/or 20 CSR 2030 Chapter 11 for the applicant's profession in the two (2) years immediately preceding the application.**

**(C) Upon passage of any Missouri-specific examination required for licensure in the applicant's profession, the applicant may apply for issuance of a new license as if never licensed.**

~~[(4)](5)~~ Any person who applies for licensure after revocation or voluntary surrender of a license on the ground of disciplinary action in another jurisdiction under section 327.441.2(8), RSMo, must meet the following criteria:

(A) The applicant must show that the license which was revoked or otherwise disciplined in another jurisdiction has been reinstated, reissued, or otherwise returned to active status in good standing, which may include probationary licensure; and

(B) An applicant under this subsection must show proof of completion of the continuing education hours consistent with the requirements of 20 CSR 2030 Chapter 8 and/or 20 CSR 2030 Chapter 11 for the applicant's profession in the two (2) years immediately preceding the application.

~~[(5)](6)~~ The board may require any applicant for examination or new licensure under sections (2), ~~(3), and (4)]~~-(5) above to personally appear before the board upon notice prepared to respond to questions concerning the nature of the cause for revocation or surrender of the applicant's prior license and rehabilitation or other relevant information pertaining to the time since revocation or surrender of the license.

(A) In any proceeding under this section, the person seeking licensure bears the burden of proving rehabilitation.

(B) Factors relevant to rehabilitation may include, among other factors:

1. Acknowledgement of wrongdoing or demonstration that the applicant understands the cause for the discipline;

2. Action taken by the applicant to prevent reoccurrence of the conduct that resulted in the discipline;

3. Action taken by the applicant to rehabilitate or address the underlying causes of the misconduct that resulted in discipline.; and

4. Actions taken by the applicant to address and remediate harm caused by the misconduct.

~~[(6)](7)~~ The board shall have discretion in all applications under this section to inquire into and take into account the nature of the conduct or factual basis of the revocation or surrender of the former license.

~~[(7)](8)~~ The board retains discretion under sections 327.441 and 327.442, RSMo, to deny any application for examination or licensure based on prior misconduct or circumstances occurring between the order of revocation or affidavit of voluntary surrender and the entry of the board's order, or to grant such application subject to a period and terms of probation pursuant to section 324.038, RSMo.

*AUTHORITY: sections 327.041 and 327.442, RSMo 2016. Original rule filed Nov. 6, 2019, effective May 30, 2020. Amended: Filed June 21, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573)751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments*

must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND  
INSURANCE**

**Division 2030—Missouri Board for Architects,  
Professional Engineers, Professional Land Surveyors,  
and Professional Landscape Architects  
Chapter 6—Fees**

**PROPOSED AMENDMENT**

**20 CSR 2030-6.015 Application, Renewal, Relicensure, and Miscellaneous Fees.** The board is amending section (1).

*PURPOSE:* Due to the rescission of board rule 20 CSR 2030-4.055 on March 30, 2021, this rule is being amended to delete the temporary courtesy license application filing fee for nonresident military spouse and the temporary courtesy license extension fee for nonresident military spouse and to change reference from Duplicate Certificate License Fee to Replacement Certificate License Fee.

(1) The following fees are established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects:

(T) [Duplicate] Replacement Certificate License Fee	\$ 10
(V) Temporary Courtesy License Application Filing Fee for nonresident military spouse	\$ 50
(W) Temporary Courtesy License Extension Fee for nonresident military spouse	\$ 50

*AUTHORITY:* section[s] 324.008 and 327.041, RSMo 2016. This rule originally filed as 4 CSR 30-6.015. Emergency rule filed Aug. 12, 1981, effective Aug. 22, 1981, expired Dec. 10, 1981. Original rule filed Aug. 12, 1981, effective Nov. 12, 1981. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 21, 2021.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573)751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND  
INSURANCE**

**Division 2030—Missouri Board for Architects,  
Professional Engineers, Professional Land Surveyors,  
and Professional Landscape Architects  
Chapter 13—Supervision**

**PROPOSED AMENDMENT**

**20 CSR 2030-13.010 Immediate Personal Supervision.** The board is amending sections (3) and (4).

*PURPOSE:* This rule is being amended primarily to provide more clarity regarding the licensee's contact with the client.

(3) The licensee who signs and seals technical submissions in accordance with the provisions of section 327.411, RSMo, must be [familiar with] knowledgeable of decisions made during preparation of the technical submissions in sufficient detail as to be able to personally answer any questions regarding substantive decisions as to the design.

(4) Specifications, drawings, reports, design surveys, or other technical submissions will be deemed to have been prepared under the immediate personal supervision of a licensee when the following circumstances exist:

(A) The licensee, or an employee of the licensee's corporation, firm, partnership, association, or other entity authorized to do business, shall be in direct contact with the client requesting preparation of specifications, drawings, reports, design surveys, or other technical submissions [makes the request directly to the licensee or an employee of the licensee so long as the employee is employed directly under the licensee's organizational structure];

*AUTHORITY:* section 327.041, RSMo 2016. This rule originally filed as 4 CSR 30-13.010. Original rule filed Dec. 8, 1981, effective March 11, 1982. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 21, 2021.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573)751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND  
INSURANCE**

**Division 2030—Missouri Board for Architects,  
Professional Engineers, Professional Land Surveyors,  
and Professional Landscape Architects  
Chapter 13—Supervision**

**PROPOSED AMENDMENT**

**20 CSR 2030-13.020 Immediate Personal Supervision for Professional Land Surveyors.** The board is amending sections (3) and (4).

*PURPOSE:* This rule is being amended to provide more clarity regarding the licensee's contact with the client and to specify guidelines in circumstances where a licensee in responsible charge of the work is unavailable to complete the work.

(3) The professional land surveyor who signs and seals plats, maps, preliminary subdivision plans, drawings, reports, descriptions, surveys, or other technical submissions in accordance with the provisions of section 327.411, RSMo, must be [familiar with] knowledgeable of decisions made during preparation of the documents in sufficient detail as to be able to personally answer any questions regarding substantive decisions.

(4) Plats, maps, preliminary subdivision plans, drawings, reports, descriptions, surveys, or other technical submissions will be deemed to have been prepared under the immediate personal supervision of a professional land surveyor when the following circumstances exist[—]:

(A) The licensee, or an employee of the licensee's corporation, firm, partnership, association, or other entity authorized to do business, shall be in direct contact with the client requesting preparation of plats, maps, preliminary subdivision plans, drawings, reports, descriptions, surveys, or other technical submissions *[makes the request directly to the professional land surveyor or an employee of the professional land surveyor, so long as the employee is employed directly under the professional land surveyor's organizational structure]*;

(C) The professional land surveyor is not employed by the client, solely for the purpose of reviewing and approving plats, maps, preliminary subdivision plans, drawings, reports, descriptions, surveys, or other technical submissions prepared by an unlicensed person, employee, or contractor of the client; *[and]*

(D) The professional land surveyor reviews the final plats, maps, preliminary subdivision plans, drawings, reports, descriptions, surveys, or other technical submissions and is able to, and does make, necessary and appropriate changes to them[.]; **and**

(E) In circumstances where a licensee in responsible charge of the work is unavailable to complete the work, a successor licensee may take responsible charge by performing all professional services to include the development and preparation of plats, maps, preliminary subdivision plans, drawings, reports, descriptions, surveys, or other technical submissions. The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's work. The burden is on the successor licensee to show such compliance. The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all technical submissions.

*AUTHORITY: section 327.041, RSMo 2016. This rule originally filed as 4 CSR 30-13.020. Original rule filed Dec. 16, 1988, effective Feb. 24, 1989. For intervening history, please consult the Code of State Regulations. Amended: Filed June 21, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573)751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

### Division 4240—Public Service Commission

### Chapter 40—Gas Utilities and Gas Safety Standards

#### PROPOSED AMENDMENT

**20 CSR 4240-40.020 Incident, Annual, and Safety-Related Condition Reporting Requirements.** The commission is amending sections (2), (5), (6), and (9)–(13).

*PURPOSE: This amendment modifies the rule to address amendments of 49 CFR part 191 promulgated between October 2019 and December 2020, and makes clarification and editorial changes.*

(2) Definitions. (191.3) As used in this rule and in the PHMSA Forms referenced in this rule—

(D) Federal incident means any of the following events:

1. An event that involves a release of gas from a pipeline, gas from an underground natural gas storage facility (UNGSF), liquefied natural gas (LNG), liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, and that results in one (1) or more of the following consequences:

A. A death or personal injury necessitating inpatient hospitalization; or

B. Estimated property damage of fifty thousand dollars (\$50,000) or more, including loss to the operator and others, or both, but excluding the cost of gas lost; or

C. Unintentional estimated gas loss of three (3) million cubic feet or more.

2. An event that results in an emergency shutdown of an LNG facility or *[an underground natural gas storage facility]* an UNGSF. Activation of an emergency shutdown system for reasons other than an actual emergency does not constitute an incident; or

3. An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraph (2)(D)1. or (2)(D)2.;

(O) Underground natural gas storage facility (UNGSF) means a gas pipeline facility that stores natural gas in an underground facility *[incident to natural gas]* incidental to the transportation of natural gas, including—

1. A depleted hydrocarbon reservoir[.];

2. A/an aquifer reservoir[.]; or

3. A/a solution-mined *[salt]* cavern *[reservoir, including associated material and equipment used for]*; **and**

2. In addition to the reservoir or cavern, a UNGSF includes injection, withdrawal, monitoring, *[or observation wells, and wellhead equipment, piping, rights-of-way, property, buildings, compressor units, separators, metering equipment, and regulator equipment]* and observation wells; wellbores and downhole components; wellheads and associated wellhead piping; wing-valve assemblies that isolate the wellhead from connected piping beyond the wing-valve assemblies; and any other equipment, facility, right-of-way, or building used in the underground storage of natural gas.

(5) Report Submission Requirements. (191.7)

(B) Missouri Incident Reports.

1. This subsection applies to events that meet the criteria in subsection (4)(A) but are not a federal incident reported under subsection (5)(A). Within thirty (30) days of a telephone notification made under subsection (4)(A), each gas operator must submit the applicable U.S. Department of Transportation Form PHMSA F 7100.1, PHMSA F 7100.2, or PHMSA F 7100.3 to designated commission personnel. Additional information required in subsections (6)(B) and (9)(B) for federal incidents is also required for these events.

2. The incident report forms for gas distribution systems (PHMSA F 7100.1, revised *[October 2014]* April 2019), gas transmission and gathering pipeline systems (PHMSA F 7100.2, revised *[October 2014]* April 2019), and LNG facilities (PHMSA F 7100.3, revised *[October 2014]* April 2019) are incorporated by reference in subsection (5)(G).

(G) Forms Incorporated by Reference.

1. The following forms are incorporated by reference and made part of this rule.

A. U.S. Department of Transportation Form PHMSA F 1000.1, revised *[April 2019]* January 2020. The PHMSA F 1000.1 form is the Operator Identification (OPID) Assignment Request form and does not include any amendments or additions to the *[April*

2019/ January 2020 version.

B. U.S. Department of Transportation Form PHMSA F 1000.2, revised [April 2019/ January 2020]. The PHMSA F 1000.2 form is the [Operator/ National Registry Notification form for reporting changes including operator name change, change in entity operating, shared safety program change, change in ownership for gas facilities, construction or rehabilitation of gas facilities, change in ownership for LNG, and construction for LNG. The PHMSA F 1000.2 form does not include any amendments or additions to the [April 2019/ January 2020 version.

C. U.S. Department of Transportation Form PHMSA F 7100.1, revised [October 2014/ April 2019]. The PHMSA F 7100.1 form is the incident report form for gas distribution systems and does not include any amendments or additions to the [October 2014/ April 2019 version.

D. U.S. Department of Transportation Form PHMSA F 7100.1-1, revised October 2018. The PHMSA F 7100.1-1 form is the annual report form for gas distribution systems and does not include any amendments or additions to the October 2018 version.

E. U.S. Department of Transportation Form PHMSA F 7100.1-2, revised October 2014. The PHMSA F 7100.1-2 form is the report form for mechanical fitting failures and does not include any amendments or additions to the October 2014 version.

F. U.S. Department of Transportation Form PHMSA F 7100.2, revised [October 2014/ April 2019]. The PHMSA F 7100.2 form is the incident report form for gas transmission and gathering pipeline systems and does not include any amendments or additions to the [October 2014/ April 2019 version.

G. U.S. Department of Transportation Form PHMSA F 7100.2-1, revised October 2014. The PHMSA F 7100.2-1 form is the annual report form for gas transmission and gathering pipeline systems and does not include any amendments or additions to the October 2014 version.

H. U.S. Department of Transportation Form PHMSA F 7100.3, revised [October 2014/ April 2019]. The PHMSA F 7100.3 form is the incident report form for LNG facilities and does not include any amendments or additions to the [October 2014/ April 2019 version.

I. U.S. Department of Transportation Form PHMSA F 7100.3-1, revised August 2017. The PHMSA F 7100.3-1 form is the annual report form for LNG facilities and does not include any amendments or additions to the August 2017 version.

J. U.S. Department of Transportation Form PHMSA 7100.4-1, approved August 2017. The PHMSA F 7100.4-1 form is the annual report form for underground natural gas storage facilities and does not include any amendments or additions to the August 2017 version.

2. The forms listed in paragraph (5)(D)1. are published by the U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The forms are available at [www.phmsa.dot.gov/forms/pipeline-forms](http://www.phmsa.dot.gov/forms/pipeline-forms) or upon request from the pipeline safety program manager at the address given in subsection (5)(E).

(6) Distribution System—Federal Incident Report. (191.9)

(A) Except as provided in subsection (6)(C), each operator of a distribution pipeline system must submit U.S. Department of Transportation Form PHMSA F 7100.1 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5). See the report submission requirements in subsection (5)(A). The incident report form (revised [October 2014/ April 2019] is incorporated by reference in subsection (5)(G).

(9) Transmission Systems; Gathering Systems; Liquefied Natural Gas Facilities; and Underground Natural Gas Storage Facilities — Federal Incident Report. (191.15)

(A) Transmission or Gathering. Each operator of a transmission or a gathering pipeline system must submit U.S. Department of

Transportation Form PHMSA F 7100.2 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5). See the report submission requirements in subsection (5)(A). The incident report form (revised [October 2014/ April 2019] is incorporated by reference in subsection (5)(G).

(B) LNG. Each operator of a liquefied natural gas plant or facility must submit U.S. Department of Transportation Form PHMSA F 7100.3 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5). See the report submission requirements in subsection (5)(A). The incident report form (revised [October 2014/ April 2019] is incorporated by reference in subsection (5)(G).

(C) Underground natural gas storage facility. Each operator of [an underground natural gas storage facility] an UNGSF must submit U.S. Department of Transportation Form PHMSA F 7100.2 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5). The incident report form (revised [October 2014/ April 2019] is incorporated by reference in subsection (5)(G).

(D) Supplemental Report. [When] Where additional related information is obtained after an operator submits a report [is submitted] under subsection (9)(A), (9)(B), or (9)(C), the operator must make a supplemental report as soon as practicable with a clear reference by date to the original report.

(10) Transmission Systems; Gathering Systems; Liquefied Natural Gas Facilities; and Underground Natural Gas Storage Facilities—Annual Report. (191.17)

(C) Underground natural gas storage facility. Each operator of [an underground natural gas storage facility] an UNGSF must submit an annual report [on] through U.S. Department of Transportation Form PHMSA 7100.4-1. **This report must be submitted each year, no later than [by] March 15, for the preceding calendar year.** See the report submission requirements in subsection (5)(A). The annual report form (August 2017) is incorporated by reference in subsection (5)(G).

(11) National Registry of Pipeline and LNG Operators (191.22)

(A) OPID Request.

1. Effective January 1, 2012, each operator of a gas pipeline, gas pipeline facility, [underground natural gas storage facility] UNGSF, LNG plant, or LNG facility must obtain from PHMSA an Operator Identification Number (OPID). An OPID is assigned to an operator for the pipeline, **pipeline facility**, or pipeline system for which the operator has primary responsibility. To obtain an OPID, an operator must complete an OPID Assignment Request (U.S. Department of Transportation Form PHMSA F 1000.1) through the National Registry of [Pipeline and LNG] Operators at [<http://portal.phmsa.dot.gov/pipeline>] <https://portal.phmsa.dot.gov> unless an alternative reporting method is authorized in accordance with subsection (5)(D). A copy of each submission to PHMSA must also be submitted concurrently to designated commission personnel—see addresses in subsection (5)(E).

2. The OPID Assignment Request form ([April 2019/ January 2020] is incorporated by reference in subsection (5)(G).

(B) OPID Validation. An operator who has already been assigned one (1) or more OPIDs by January 1, 2011, must validate the information associated with each OPID through the National Registry of [Pipeline and LNG] Operators at [<http://opsweb.phmsa.dot.gov>] <https://portal.phmsa.dot.gov>, and correct that information as necessary, no later than September 30, 2012 (PHMSA Advisory Bulletin ADB-2012-04 extended the deadline from June 30, 2012, to September 30, 2012).

(C) Changes. Each operator of a gas pipeline, gas pipeline facility, [underground natural gas storage facility] UNGSF, LNG plant, or LNG facility must notify PHMSA electronically through the National Registry of [Pipeline and LNG] Operators at [<http://portal.phmsa.dot.gov/pipeline>] <https://portal.phmsa.dot.gov> of

certain events. A copy of each online notification must also be submitted concurrently to designated commission personnel—see addresses in subsection (5)(E).

1. An operator must notify PHMSA of any of the following events not later than sixty (60) days before the event occurs:

A. Construction or any planned rehabilitation, replacement, modification, upgrade, uprate, or update of a facility, other than a section of line pipe, that costs ten (10) million dollars or more. If sixty- (60-) day notice is not feasible because of an emergency, an operator must notify PHMSA as soon as practicable;

B. Construction of ten (10) or more miles of a new *[or replacement]* pipeline;

C. Construction of a new LNG plant, *[or]* LNG facility, **or UNGSF**;

D. *[Construction of a new underground natural gas storage facility or the abandonment, drilling, or well workover (including replacement of wellhead, tubing, or a new casing) of an injection, withdrawal, monitoring, or observation well for an underground natural gas storage facility]* Maintenance of an UNGSF that involves the plugging or abandonment of a well, or that requires a workover rig and costs two hundred thousand dollars (\$200,000) or more for an individual well, including its wellhead. If sixty- (60-) day notice is not feasible due to an emergency, an operator must promptly respond to the emergency and notify PHMSA as soon as practicable;

E. Reversal of product flow direction when the reversal is expected to last more than thirty (30) days. This notification is not required for pipeline systems already designed for bi-directional flow; or

F. A pipeline converted for service under 20 CSR 4240-40.030(1)(H) (192.14), or a change in commodity as reported on the annual report as required by section (10) (191.17).

2. An operator must notify PHMSA of any of the following events not later than sixty (60) days after the event occurs:

A. A change in the primary entity responsible (i.e., with an assigned OPID) for managing or administering a safety program required by this rule covering pipeline facilities operated under multiple OPIDs;

B. A change in the name of the operator;

C. A change in the entity (e.g., company, municipality) responsible for an existing pipeline, pipeline segment, pipeline facility, *[underground natural gas storage facility]* UNGSF, or LNG facility;

D. The acquisition or divestiture of fifty (50) or more miles of a pipeline or pipeline system subject to 20 CSR 4240-40.030; **or**

E. The acquisition or divestiture of an existing UNGSF, **or** an LNG plant, or LNG facility subject to 49 CFR Part 193; *or*

*[F. The acquisition or divestiture of an existing underground natural gas storage facility subject to 49 CFR Part 192].*

#### (12) Reporting Safety-Related Conditions. (191.23)

(A) Except as provided in subsection (12)(B), each operator must report in accordance with section (13) (191.25) the existence of any of the following safety-related conditions involving facilities in service:

1. In the case of the pipeline (other than an LNG facility) that operates at a hoop stress of twenty percent (20%) or more of its specified minimum yield strength, general corrosion that has reduced the wall thickness to less than that required for the maximum allowable operating pressure and localized corrosion pitting to a degree where leakage might result;

2. In the case of *[an underground natural gas storage facility, including injection, withdrawal, monitoring, or observation well]* **an UNGSF**, general corrosion that has reduced the wall thickness **of any metal component** to less than that required for the **well's** maximum *[well]* operating pressure, *[and]* **or** localized cor-

rosion pitting to a degree where leakage might result;

3. Unintended movement or abnormal loading by environmental causes, such as an earthquake, landslide or flood, that impairs the serviceability of a pipeline or the structural integrity or reliability of *[an underground natural gas storage facility, including injection, withdrawal, monitoring, or observation well for an underground natural gas storage facility]* **an UNGSF**, or **an** LNG facility that contains, controls, or processes gas or LNG;

4. Any crack or other material defect that impairs the structural integrity or reliability of *[an underground natural gas storage facility or]* **an UNGSF or an** LNG facility that contains, controls, or processes gas or LNG;

5. Any material defect or physical damage that impairs the serviceability of a pipeline that operates at a hoop stress of twenty percent (20%) or more of its specified minimum yield strength or *[underground natural gas storage facility, including injection, withdrawal, monitoring, or observations well for an underground natural gas storage facility]* **an UNGSF**;

6. Any malfunction or operating error that causes the pressure *[of:]*, **plus the margin (build-up) allowed for operation of pressure limiting or control devices**, to exceed either the maximum allowable operating pressure of a distribution or gathering line, the maximum well allowable operating pressure of an UNGSF, or the maximum allowable working pressure of an LNG facility that contains or processes gas or LNG;

*[A. A pipeline to rise above its maximum allowable operating pressure plus the buildup allowed for operation of pressure limiting or control devices;*

*B. An underground natural gas storage facility to rise above its maximum well operating pressure plus the margin (build-up) allowed for operation of pressure limiting or control devices; or*

*C. An LNG facility that contains or processes gas or LNG to rise above its working pressure plus the margin (build-up) allowed for operation of pressure limiting or control devices.]*

7. A leak in a pipeline *[or an underground natural gas storage facility, including injection, withdrawal, monitoring, or observation well for an underground natural gas storage facility]*, UNGSF, or LNG facility that contains or processes gas or LNG that constitutes an emergency;

8. Inner tank leakage, ineffective insulation, or frost heave that impairs the structural integrity of an LNG storage tank; *[and]*

9. Any safety-related condition that could lead to an imminent hazard and causes (either directly or indirectly by remedial action of the operator), for purposes other than abandonment, a twenty percent (20%) or more reduction in operating pressure or shutdown of operation of a pipeline *[or an underground natural gas storage facility, including injection, withdrawal, monitoring, or observation well for an underground natural gas storage facility]*, UNGSF, or an LNG facility that contains or processes gas or LNG; *];*

10. For transmission pipelines only, each exceedance of the maximum allowable operating pressure that exceeds the margin (build-up) allowed for operation of pressure-limiting or control devices as specified in the applicable requirements of 20 CSR 4240-40.030(4)(FF) and (13)(R) (192.201 and 192.739). The reporting requirement of this paragraph is not applicable to gathering lines, distribution lines, LNG facilities, or underground natural gas storage facilities (see paragraph (12)(A)6.); **and**

11. Any malfunction or operating error that causes the pressure of a UNGSF using a salt cavern for natural gas storage to fall below its minimum allowable operating pressure, as defined by the facility's State or Federal operating permit or certificate, **whichever pressure is higher.**

(B) A report is not required for any safety-related condition that—

1. Exists on a master meter system or a customer-owned service

line;

2. Is an incident or results in an incident before the deadline for filing the safety-related condition report;

3. Exists on a pipeline (**other than an UNGSF or an LNG facility**) that is more than two hundred twenty (220) yards (two hundred (200) meters) from any building intended for human occupancy or outdoor place of assembly, except that reports are required for conditions within the right-of-way of an active railroad, paved road, street, or highway; *or*

4. **Exists on an UNGSF, where a well or wellhead is isolated, allowing the reservoir or cavern and all other components of the facility to continue to operate normally and without pressure restriction; or**

*[4.]5.* Is corrected by repair or replacement in accordance with applicable safety standards before the deadline for filing the safety-related condition report~~], except that reports are required for conditions].~~ **Notwithstanding this exception, a report must be filed for—**

**A. Conditions** under paragraph (12)(A)1. *[other than], unless the condition is* localized corrosion pitting on an effectively coated and cathodically protected pipeline~~].~~; **and**

**B. Any condition** under paragraph (12)(A)10.

(13) Filing Safety-Related Condition Reports. (191.25)

(A) Each report of a safety-related condition under *[subsection] paragraphs (12)(A)1.-9.* must be filed (received by the **Associate Administrator**, Office of Pipeline Safety at PHMSA and designated commission personnel) **in writing** within five (5) working days (not including Saturday, Sunday, or federal holidays) after the day a representative of the operator first determines that the condition exists, but not later than ten (10) working days after the day a representative of the operator discovers the possibility of a condition. Separate conditions may be described in a single report if they are closely related. *[See the report submission requirements in subsection (5)(C). Reports may be transmitted by electronic mail to InformationResourcesManager@dot.gov and PipelineSafetyProgramManager@psc.mo.gov. To file a report by telefacsimile (fax), dial (202) 366-7128 for the Office of Pipeline Safety and (573) 522-1946 for designated commission personnel.]* **Reporting methods and report requirements are described in subsection (13)(C).**

(B) Each report of a maximum allowable operating pressure exceedance meeting the requirements of criteria in paragraph (12)(A)10. for a gas transmission pipeline must be filed (received by the **Associate Administrator**, Office of Pipeline Safety at PHMSA and designated commission personnel) **in writing** within five (5) calendar days of the exceedance using the reporting methods and report requirements described in subsection (13)(C).

*[(B)](C) [The report must be titled Safety-Related Condition Report and]* Reports must be filed by email to [InformationResourcesManager@dot.gov](mailto:InformationResourcesManager@dot.gov) or by facsimile to (202) 366-7128 for the Office of Pipeline Safety, and by email to [PipelineSafetyProgramManager@psc.mo.gov](mailto:PipelineSafetyProgramManager@psc.mo.gov) or by facsimile to (573) 522-1946 for designated commission personnel. For a report made pursuant to paragraphs (12)(A)1.-9., the report must be headed “Safety-Related Condition Report.” For a report made pursuant to paragraph (12)(A)10., the report must be headed “Maximum Allowable Operating Pressure Exceedances.” **All reports must provide the following information:**

1. Name *[and]*, principal address, and operator identification number (OPID) of the operator;
2. Date of report;
3. Name, job title, and business telephone number of the person submitting the report;
4. Name, job title, and business telephone number of the person who determined that the condition exists;
5. Date the condition was discovered and date the condition was first determined to exist;

6. Location of the condition, with reference to the state (and town, city, or county), and as appropriate, nearest street address, survey station number, milepost, landmark, or name of pipeline;

7. Description of the condition, including circumstances leading to its discovery, any significant effects of the condition on safety, and the name of the commodity transported or stored; and

8. The corrective action taken (including reduction of pressure or shutdown) before the report is submitted and the planned follow-up or future corrective action, including the anticipated schedule for starting and concluding such action.

*AUTHORITY: sections 386.250, 386.310, and 393.140, RSMo 2016. This rule originally filed as 4 CSR 240-40.020. Original rule filed Feb. 5, 1970, effective Feb. 26, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed June 29, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 1, 2021, and should include a reference to Commission Case No. GX-2021-0406. Comments may also be submitted via a filing using the commission’s electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 7, 2021, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.*

**SPECIAL NEEDS:** *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division 4240—Public Service Commission**  
**Chapter 40—Gas Utilities and Gas Safety Standards**

**PROPOSED AMENDMENT**

**20 CSR 4240-40.030 Safety Standards—Transportation of Gas by Pipeline.** The commission is amending the purpose, sections (1)–(6), (9), (10), (12), (13), and (16), and Appendix E.

*PURPOSE: This amendment modifies the rule to address amendments of 49 CFR part 192 promulgated between October 2019 and December 2020, and makes clarification and editorial changes.*

*PURPOSE: This rule prescribes minimum safety standards regarding the design, fabrication, installation, construction, metering, corrosion control, **testing**, **uprating**, operation, maintenance, leak detection, repair, **[and]** replacement, and integrity management of pipelines used for the transportation of natural and other gas.*



## (1) General.

## (B) Definitions. (192.3) as used in this rule—

1. Abandoned means permanently removed from service;
2. Active corrosion means continuing corrosion that, unless controlled, could result in a condition that is detrimental to public safety;
3. Administrator means the Administrator of the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation to whom authority in the matters of pipeline safety have been delegated by the Secretary of the United States Department of Transportation, or his or her delegate;
4. Alarm means an audible or visible means of indicating to the controller that equipment or processes are outside operator-defined, safety-related parameters;
5. Building means any structure that is regularly or periodically occupied by people;
6. Commission means the Missouri Public Service Commission;
7. Control room means an operations center staffed by personnel charged with the responsibility for remotely monitoring and controlling a pipeline facility;
8. Controller means a qualified individual who remotely monitors and controls the safety-related operations of a pipeline facility via a supervisory control and data acquisition (SCADA) system from a control room, and who has operational authority and accountability for the remote operational functions of the pipeline facility;
9. Customer meter means the meter that measures the transfer of gas from an operator to a consumer;
10. Designated commission personnel means the pipeline safety program manager at the address contained in 20 CSR 4240-40.020(5)(E) for correspondence;
11. Distribution line means a pipeline other than a gathering or transmission line;
12. Electrical survey means a series of closely spaced pipe-to-soil readings over pipelines which are subsequently analyzed to identify locations where a corrosive current is leaving the pipeline, except that other indirect examination tools/methods can be used for an electrical survey included in the federal regulations in 49 CFR part 192, subpart O and appendix E (incorporated by reference in section (16));
13. Engineering critical assessment (ECA) means a documented analytical procedure based on fracture mechanics principles, relevant material properties (mechanical and fracture resistance properties), operating history, operational environment, in-service degradation, possible failure mechanisms, initial and final defect sizes, and usage of future operating and maintenance procedures to determine the maximum tolerable sizes for imperfections based upon the pipeline segment maximum allowable operating pressure;
- [13./14. Feeder line means a distribution line that has a maximum allowable operating pressure (MAOP) greater than 100 psi (689 kPa) gauge that produces hoop stresses less than twenty percent (20%) of specified minimum yield strength (SMYS);
- [14./15. Follow-up inspection means an inspection performed after a repair procedure has been completed in order to determine the effectiveness of the repair and to ensure that all hazardous leaks in the area are corrected;
- [15./16. Fuel line means the customer-owned gas piping downstream from the outlet of the customer meter or operator-owned pipeline, whichever is farther downstream;
- [16./17. Gas means natural gas, flammable gas, manufactured gas, or gas which is toxic or corrosive;
- [17./18. Gathering line means a pipeline that transports gas from a current production facility to a transmission line or main;
- [18./19. High-pressure distribution system means a distribution system in which the gas pressure in the main is higher than an equivalent to fourteen inches (14") water column;
- [19./20. Hoop stress means the stress in a pipe wall acting cir-

cumferentially in a plane perpendicular to the longitudinal axis of the pipe produced by the pressure in the pipe;

[20./21. Listed specification means a specification listed in subsection I. of Appendix B, which is included herein (at the end of this rule);

[21./22. Low-pressure distribution system means a distribution system in which the gas pressure in the main is less than or equal to an equivalent of fourteen inches (14") water column;

[22./23. Main means a distribution line that serves as a common source of supply for more than one (1) service line;

[23./24. Maximum actual operating pressure means the maximum pressure that occurs during normal operations over a period of one (1) year;

[24./25. Maximum allowable operating pressure (MAOP) means the maximum pressure at which a pipeline or segment of a pipeline may be operated under this rule;

**26. Moderate consequence area means—**

**A. An onshore area that is within a "potential impact circle" as defined in 49 CFR 192.903 (incorporated by reference in section (16)), containing either—**

**(I) Five (5) or more buildings intended for human occupancy; or**

**(II) Any portion of the paved surface (including shoulders) of a designated "interstate," "other freeway or expressway," as well as any "other principal arterial" roadway with four (4) or more lanes, as defined in the Federal Highway Administration's *Highway Functional Classification Concepts, Criteria and Procedures*, Section 3.1 (see: [https://www.fhwa.dot.gov/planning/processes/statewide/related/highway\\_functional\\_classifications/fcauab.pdf](https://www.fhwa.dot.gov/planning/processes/statewide/related/highway_functional_classifications/fcauab.pdf)), and that does not meet the definition of "high consequence area" in 49 CFR 192.903 (incorporated by reference in section (16)); and**

**B. The length of the moderate consequence area extends axially along the length of the pipeline from the outermost edge of the first potential impact circle containing either five (5) or more buildings intended for human occupancy; or any portion of the paved surface, including shoulders, of any designated interstate, freeway, or expressway, as well as any other principal arterial roadway with four (4) or more lanes, to the outermost edge of the last contiguous potential impact circle that contains either five (5) or more buildings intended for human occupancy, or any portion of the paved surface, including shoulders, of any designated interstate, freeway, or expressway, as well as any other principal arterial roadway with four (4) or more lanes;**

[25./27. Municipality means a city, village, or town;

[26./28. Operator means a person who engages in the transportation of gas;

[27./29. Person means any individual, firm, joint venture, partnership, corporation, association, county, state, municipality, political subdivision, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative of them;

[28./30. Petroleum gas means propane, propylene, butane (normal butane or isobutanes), and butylene (including isomers), or mixtures composed predominantly of these gases, having a vapor pressure not exceeding 208 psi (1434 kPa) gauge at 100°F (38°C);

[29./31. PHMSA means the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation;

[30./32. Pipe means any pipe or tubing used in the transportation of gas, including pipe-type holders;

[31./33. Pipeline means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies;

[32./34. Pipeline environment includes soil resistivity (high or low), soil moisture (wet or dry), soil contaminants that may promote



corrosive activity, and other known conditions that could affect the probability of active corrosion;

[33.]35. Pipeline facility means new and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation;

[34.]36. Reading means the highest sustained reading when testing in a bar hole or opening without induced ventilation;

[35.]37. Service line means a distribution line that transports gas from a common source of supply to an individual customer, to two (2) adjacent or adjoining residential or small commercial customers, or to multiple residential or small commercial customers served through a meter header or manifold. A service line ends at the outlet of the customer meter or at the connection to a customer's piping, whichever is further downstream, or at the connection to customer piping if there is no meter;

[36.]38. Service regulator means the device on a service line that controls the pressure of gas delivered from a higher pressure to the pressure provided to the customer. A service regulator may serve one (1) customer or multiple customers through a meter header or manifold;

[37.]39. SMYS means specified minimum yield strength is—

A. For steel pipe manufactured in accordance with a listed specification, the yield strength specified as a minimum in that specification; or

B. For steel pipe manufactured in accordance with an unknown or unlisted specification, the yield strength determined in accordance with paragraph (3)(D)2. (192.107[b]);

[38.]40. Supervisory control and data acquisition (SCADA) system means a computer-based system or systems used by a controller in a control room that collects and displays information about a pipeline facility and may have the ability to send commands back to the pipeline facility;

[39.]41. Sustained reading means the reading taken on a combustible gas indicator unit after adequately venting the test hole or opening;

[40.]42. Transmission line means a pipeline, other than a gathering line, that—

A. Transports gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center (A large volume customer may receive similar volumes of gas as a distribution center, and includes factories, power plants, and institutional users of gas.);

B. Operates at a hoop stress of twenty percent (20%) or more of SMYS; or

C. Transports gas within a storage field;

[41.]43. Transportation of gas means the gathering, transmission, or distribution of gas by pipeline or the storage of gas, in or affecting intrastate, interstate, or foreign commerce;

[42.]44. Tunnel means a subsurface passageway large enough for a man to enter;

[43.]45. Vault or manhole means a subsurface structure that a man can enter;

[44.]46. Weak link means a device or method used when pulling polyethylene pipe, typically through methods such as horizontal directional drilling, to ensure that damage will not occur to the pipeline by exceeding the maximum tensile stresses allowed;

[45.]47. Welder means a person who performs manual or semi-automatic welding;

[46.]48. Welding operator means a person who operates machine or automatic welding equipment; and

[47.]49. Yard line means an underground fuel line that transports gas from the service line to the customer's building. If multiple buildings are being served, building means the building nearest to the connection to the service line. For purposes of this definition, if aboveground fuel line piping at the meter location is located within five feet (5') of a building being served by that meter, it will be considered to the customer's building and no yard line exists. At meter

locations where aboveground fuel line piping is located greater than five feet (5') from the building(s) being served, the underground fuel line from the meter to the entrance into the nearest building served by that meter will be considered the yard line and any other lines are not considered yard lines.

(C) Class Locations. (192.5)

1. This subsection classifies pipeline locations for the purpose of this rule. The following criteria apply to classifications under this section:

A. A "class location unit" is an area that extends two hundred twenty (220) yards (200 meters) on either side of the centerline of any continuous one- (1-) mile (1.6 kilometers) length of pipeline; and

B. Each separate dwelling unit in a multiple dwelling unit building is counted as a separate building intended for human occupancy.

2. Except as provided in paragraph (1)(C)3., pipeline locations are classified as follows:

A. A Class 1 location is any class location unit that has ten (10) or fewer buildings intended for human occupancy;

B. A Class 2 location is any class location unit that has more than ten (10) but fewer than forty-six (46) buildings intended for human occupancy;

C. A Class 3 location is—

(I) Any class location unit that has forty-six (46) or more buildings intended for human occupancy; or

(II) An area where the pipeline lies within one hundred (100) yards (91 meters) of either a building or a small, well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by twenty (20) or more persons on at least five (5) days a week for ten (10) weeks in any twelve- (12-) month period (The days and weeks need not be consecutive); and

D. A Class 4 location is any class location unit where buildings with four (4) or more stories aboveground are prevalent.

3. The length of Class locations 2, 3, and 4 may be adjusted as follows:

A. A Class 4 location ends two hundred twenty (220) yards (200 meters) from the nearest building with four (4) or more stories aboveground; and

B. When a cluster of buildings intended for human occupancy requires a Class 2 or 3 location, the class location ends two hundred twenty (220) yards (200 meters) from the nearest building in the cluster.

**4. An operator must have records that document the current class location of each gas transmission pipeline segment and that demonstrate how the operator determined each current class location in accordance with this subsection.**

(D) Incorporation By Reference of the Federal Regulation at 49 CFR 192.7. (192.7)

1. As set forth in the *Code of Federal Regulations* (CFR) dated October 1, 2018/9, and the subsequent amendment 192-124/125 (published in *Federal Register* on [November 20, 2018, page 84 FR 58694] October 1, 2019, page 84 FR 52180), the federal regulation at 49 CFR 192.7 is incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR 192.7.

2. The *Code of Federal Regulations* and the *Federal Register* are published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, 2018/9 version of 49 CFR part 192 is available at <https://www.govinfo.gov/#citation>. The *Federal Register* publication on page [83 FR 58694] 84 FR 52180 is available at [<https://www.govinfo.gov/content/pkg/FR-2018-11-20/pdf/2018-24925.pdf>] <https://www.govinfo.gov/content/pkg/FR-2019-10-01/pdf/2019-20306.pdf>.

3. The regulation at 49 CFR 192.7 provides a listing of the documents that are incorporated by reference partly or wholly in 49

CFR part 192, which is the federal counterpart and foundation for this rule. All incorporated materials are available for inspection from several sources, including the following sources:

A. The Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. For more information, contact 202-366-4046 or go to the PHMSA website at [www.phmsa.dot.gov/pipeline/regs](http://www.phmsa.dot.gov/pipeline/regs);

B. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to the NARA website at [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html) or call 202-741-6030 or 866-272-6272; and

C. Copies of standards incorporated by reference can also be purchased or are otherwise made available from the respective standards-developing organizations listed in 49 CFR 192.7.

4. Federal amendment 192-94 (published in Federal Register on June 14, 2004, page 69 FR 32886) moved the listing of incorporated documents to 49 CFR 192.7 from 49 CFR part 192—Appendix A, which is now “Reserved.” This listing of documents was in Appendix A to this rule prior to the 2008 amendment of this rule. As of the 2008 amendment, Appendix A to this rule is also “Reserved” and included herein.

(E) Gathering Lines. (192.8 and 192.9)

1. As set forth in the *Code of Federal Regulations* (CFR) dated October 1, 2018/9, and the subsequent amendment 192-124/125 (published in *Federal Register* on [November 20, 2018, page 83 FR 58694] October 1, 2019, page 84 FR 52180, the federal regulations at 49 CFR 192.8 and 192.9 are incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR 192.8 and 192.9.

2. The *Code of Federal Regulations* is published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, 2018/9 version of 49 CFR part 192 is available at <https://www.govinfo.gov/#citation>. The *Federal Register* publication on page [83 FR 58694] 84 FR 52180 is available at [<https://www.govinfo.gov/content/pkg/FR-2018-11-20/pdfr/2018-24925.pdf>] [<https://www.govinfo.gov/content/pkg/FR-2019-10-01/pdf/2019-20306.pdf>].

3. The regulations at 49 CFR 192.8 and 192.9 provide the requirements for gathering lines. The requirements for offshore lines are not applicable to Missouri.

(M) How to Notify PHMSA and Designated Commission Personnel. (192.18)

1. An operator must provide any notification required by this rule by—

A. Sending the notification by electronic mail to [InformationResourcesManager@dot.gov](mailto:InformationResourcesManager@dot.gov); or

B. Sending the notification by mail to ATTN: Information Resources Manager, DOT/PHMSA/OPS, East Building, 2nd Floor, E22-321, 1200 New Jersey Ave. SE, Washington, DC 20590.

2. An operator must also notify designated commission personnel by electronic mail to [PipelineSafetyProgramManager@psc.mo.gov](mailto:PipelineSafetyProgramManager@psc.mo.gov) or by mail to Pipeline Safety Program Manager, Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102.

3. Unless otherwise specified, if the notification is made pursuant to (10)(K)2., (12)(E)5.D. and E., (12)(U)3.B.(III) and 3.F., (12)(V)2.C., (13)(DD)3.G., (13)(EE)4.C.(IV) and 5.B.(I)(e), 49 CFR 192.921(a)(7) (incorporated by reference in section (16)), or 49 CFR 192.937(c)(7) (incorporated by reference in section (16)) to use a different integrity assessment method, analytical method, sampling approach, or technique (i.e., “other technology”) that differs from that prescribed in those requirements, the operator must notify PHMSA at least ninety (90) days in advance

of using the “other technology.” An operator may proceed to use the “other technology” ninety-one (91) days after submittal of the notification unless it receives a letter from the Associate Administrator for Pipeline Safety informing the operator that PHMSA objects to the proposed use of “other technology” or that PHMSA requires additional time to conduct its review.

(2) Materials.

(G) Records: Material Properties. (192.67)

1. For steel transmission pipelines installed after July 1, 2020, an operator must collect or make, and retain for the life of the pipeline, records that document the physical characteristics of the pipeline, including diameter, yield strength, ultimate tensile strength, wall thickness, seam type, and chemical composition of materials for pipe in accordance with subsections (2)(B) and (2)(C) (192.53 and 192.55). Records must include tests, inspections, and attributes required by the manufacturing specifications applicable at the time the pipe was manufactured or installed.

2. For steel transmission pipelines installed on or before July 1, 2020, if operators have records that document tests, inspections, and attributes required by the manufacturing specifications applicable at the time the pipe was manufactured or installed, including diameter, yield strength, ultimate tensile strength, wall thickness, seam type, and chemical composition in accordance with subsections (2)(B) and (2)(C) (192.53 and 192.55), operators must retain such records for the life of the pipeline.

3. For steel transmission pipeline segments installed on or before July 1, 2020, if an operator does not have records necessary to establish the MAOP of a pipeline segment, the operator may be subject to the requirements of subsection (12)(U) (192.624) according to the terms of that subsection.

[(G)](H) Storage and Handling of Plastic Pipe and Associated Components. (192.67/69) Each operator must have and follow written procedures for the storage and handling of plastic pipe and associated components that meet the applicable listed specifications.

(3) Pipe Design.

(M) Records: Pipe design. (192.127)

1. For steel transmission pipelines installed after July 1, 2020, an operator must collect or make, and retain for the life of the pipeline, records documenting that the pipe is designed to withstand anticipated external pressures and loads in accordance with subsection (3)(B) (192.103) and documenting that the determination of design pressure for the pipe is made in accordance with subsection (3)(C) (192.105).

2. For steel transmission pipelines installed on or before July 1, 2020, if operators have records documenting pipe design and the determination of design pressure in accordance with subsections (3)(B) and (3)(C) (192.103 and 192.105), operators must retain such records for the life of the pipeline.

3. For steel transmission pipeline segments installed on or before July 1, 2020, if an operator does not have records necessary to establish the MAOP of a pipeline segment, the operator may be subject to the requirements of subsection (12)(U) (192.624) according to the terms of that subsection.

(4) Design of Pipeline Components.

(HH) Passage of Internal Inspection Devices. (192.150)

1. Except as provided in paragraphs (4)(HH)2. and (4)(HH)3., each new transmission line and each replacement of line pipe, valve, fitting, or other line component in a transmission line must be designed and constructed to accommodate the passage of instrumented internal inspection devices in accordance with NACE SP0102, section 7 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

2. This subsection does not apply to—

- A. Manifolds;
- B. Station piping such as at compressor stations, meter stations, or regulator stations;
- C. Piping associated with storage facilities, other than a continuous run of transmission line between a compressor station and storage facilities;
- D. Cross-overs;
- E. Sizes of pipe for which an instrumented internal inspection device is not commercially available;
- F. Transmission lines, operated in conjunction with a distribution system which are installed in Class 4 locations; and
- G. Other piping that, under 49 CFR 190.9, the administrator finds in a particular case would be impracticable to design and construct to accommodate the passage of instrumented internal inspection devices.

3. An operator encountering emergencies, construction time constraints, or other unforeseen construction problems need not construct a new or replacement segment of a transmission line to meet paragraph (4)(HH)1., if the operator determines and documents why an impracticability prohibits compliance with paragraph (4)(HH)1. Within thirty (30) days of discovering the emergency or construction problem the operator must petition, under 49 CFR 190.9, for approval that design and construction to accommodate passage of instrumented internal inspection devices would be impracticable. If the petition is denied, within one (1) year after the date of the notice of the denial, the operator must modify that segment to allow passage of instrumented internal inspection devices.

**(II) Records: Pipeline Components. (192.205)**

1. For steel transmission pipelines installed after July 1, 2020, an operator must collect or make, and retain for the life of the pipeline, records documenting the manufacturing standard and pressure rating to which each valve was manufactured and tested in accordance with this section. Flanges, fittings, branch connections, extruded outlets, anchor forgings, and other components with material yield strength grades of forty-two thousand (42,000) psi (X42) or greater and with nominal diameters of greater than two inches (2") must have records documenting the manufacturing specification in effect at the time of manufacture, including yield strength, ultimate tensile strength, and chemical composition of materials.

2. For steel transmission pipelines installed on or before July 1, 2020, if operators have records documenting the manufacturing standard and pressure rating for valves, flanges, fittings, branch connections, extruded outlets, anchor forgings, and other components with material yield strength grades of forty-two thousand (42,000) psi (X42) or greater and with nominal diameters of greater than two inches (2"), operators must retain such records for the life of the pipeline.

3. For steel transmission pipeline segments installed on or before July 1, 2020, if an operator does not have records necessary to establish the MAOP of a pipeline segment, the operator may be subject to the requirements of subsection (12)(U) (192.624) according to the terms of that subsection.

**(5) Welding of Steel in Pipelines.**

**(D) Qualification of Welders and Welding Operators. (192.227)**

1. Except as provided in paragraph (5)(D)2., each welder or welding operator must be qualified in accordance with section 6, section 12, Appendix A, or Appendix B of API Standard 1104 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) or section IX of the ASME Boiler and Pressure Vessel Code (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). However, a welder or welding operator qualified under an earlier edition of a standard listed in 49 CFR 192.7 (see subsection (1)(D)) may weld but may not requalify under that earlier edition.

2. A welder may qualify to perform welding on pipe to be operated at a pressure that produces a hoop stress of less than twenty per-

cent (20%) of SMYS by performing an acceptable test weld, for the process to be used, under the test set forth in subsection I. of Appendix C, which is included herein (at the end of this rule). Each welder who is to make a welded service line connection to a main must first perform an acceptable test weld under subsection II. of Appendix C as a requirement of the qualifying test.

**3. For steel transmission pipe installed after July 1, 2021, records demonstrating each individual welder qualification at the time of construction in accordance with this section must be retained for a minimum of five (5) years following construction.**

**(6) Joining of Materials Other Than by Welding.**

**(H) Plastic Pipe—Qualifying Persons to Make Joints. (192.285)**

1. No person may make a plastic pipe joint unless that person has been qualified under the applicable joining procedure by—

A. Appropriate training or experience in the use of the procedure; and

B. Making a specimen joint from pipe sections joined according to the procedure that passes the inspection and test set forth in paragraph (6)(H)2.

2. The specimen joint must be—

A. Visually examined during and after assembly or joining and found to have the same appearance as a joint or photographs of a joint that is acceptable under the procedure; and

B. In the case of a heat fusion, solvent cement, or adhesive joint—

(I) Tested under any one (1) of the test methods listed under paragraph (6)(G)1. (192.283[a]), or for polyethylene heat fusion joints (except for electrofusion joints) visually inspected and tested in accordance with ASTM F2620-12 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) applicable to the type of joint and material being tested;

(II) Examined by ultrasonic inspection and found not to contain flaws that would cause failure; or

(III) Cut into at least three (3) longitudinal straps, each of which is—

(a) Visually examined and found not to contain voids or discontinuities on the cut surfaces of the joint area; and

(b) Deformed by bending, torque, or impact and, if failure occurs, it must not initiate in the joint area.

3. A person must be requalified under an applicable procedure once each calendar year at intervals not exceeding fifteen (15) months, or after any production joint is found unacceptable by testing under subsection (10)(G). (192.513)

4. Each operator shall establish a method to determine that each person making joints in plastic pipelines in the operator's system is qualified in accordance with this subsection.

**5. For transmission pipe installed after July 1, 2021, records demonstrating each person's plastic pipe joining qualifications at the time of construction in accordance with this section must be retained for a minimum of five (5) years following construction.**

**(9) Requirements for Corrosion Control.**

**(X) In-line Inspection of Pipelines. (192.493)**

**When conducting in-line inspections of pipelines required by this rule, an operator must comply with API STD 1163, ANSI/ASNT ILI-PQ, and NACE SP0102 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). Assessments may be conducted using tethered or remotely controlled tools, not explicitly discussed in NACE SP0102, provided they comply with those sections of NACE SP0102 that are applicable.**

**(10) Test Requirements.**

**(I) Records. (192.517)**

1. For *[mains]* pipelines other than service lines, each operator shall make and retain for the useful life of the pipeline, a record of each test performed under subsections (10)(C)–(E) *[and]*, (G), and (K). (192.505, **192.506**, 192.507, 192.509, and 192.513)

Where applicable to the test performed, the record must contain at least the following information, except as noted in subparagraph (10)(I)1.B.:

- A. The operator's name, the name of the operator's employee responsible for making the test, and the name of any test company used;
- B. Test medium used, except for tests performed pursuant to subsections (10)(E) and (G);
- C. Test pressure;
- D. Test duration;
- E. Pressure recording charts or other record of pressure readings;
- F. Elevation variations, whenever significant for the particular test;
- G. Leaks and failures noted and their disposition;
- H. Test date; and
- I. Description of facilities being tested.

2. For service lines, each operator shall make and retain for the useful life of the pipeline, a record of each test performed under subsections (10)(F) and (G) (192.511 and 192.513). Where applicable to the test performed, the record must contain the test pressure, leaks, and failures noted and their disposition and the date.

**(K) Transmission Lines: Spike Hydrostatic Pressure Test. (192.506)**

1. Spike test requirements. Whenever a segment of steel transmission pipeline that is operated at a hoop stress level of thirty percent (30%) or more of SMYS is spike tested under this rule, the spike hydrostatic pressure test must be conducted in accordance with this subsection.

- A. The test must use water as the test medium.
- B. The baseline test pressure must be as specified in subparagraph (12)(M)1.B. (192.619(a)(2)).
- C. The test must be conducted by maintaining a pressure at or above the baseline test pressure for at least eight (8) hours as specified in subsection (10)(C) (192.505).

D. After the test pressure stabilizes at the baseline pressure and within the first two (2) hours of the eight- (8-) hour test interval, the hydrostatic pressure must be raised (spiked) to a minimum of the lesser of 1.5 times MAOP or one-hundred percent (100%) SMYS. This spike hydrostatic pressure test must be held for at least fifteen (15) minutes after the spike test pressure stabilizes.

2. "Other technology" or other technical evaluation process. Operators may use "other technology" or another process supported by a documented engineering analysis for establishing a spike hydrostatic pressure test or equivalent. Operators must notify PHMSA ninety (90) days in advance of the assessment or reassessment requirements of this chapter. The notification must be made in accordance with subsection (1)(M) (192.18) and must include the following information:

- A. Descriptions of the technology or technologies to be used for all tests, examinations, and assessments;
- B. Procedures and processes to conduct tests, examinations, assessments, perform evaluations, analyze defects, and remediate defects discovered;
- C. Data requirements, including original design, maintenance and operating history, anomaly or flaw characterization;
- D. Assessment techniques and acceptance criteria;
- E. Remediation methods for assessment findings;
- F. Spike hydrostatic pressure test monitoring and acceptance procedures, if used;
- G. Procedures for remaining crack growth analysis and pipeline segment life analysis for the time interval for additional assessments, as required; and
- H. Evidence of a review of all procedures and assessments by a qualified technical subject matter expert.

(12) Operations.

**(E) [(Reserved)] Verification of Pipeline Material Properties and Attributes: Steel Transmission Pipelines. (192.607)**

1. Applicability. Wherever required by this rule, operators of steel transmission pipelines must document and verify material properties and attributes in accordance with this subsection.

2. Documentation of material properties and attributes. Records established under this subsection documenting physical pipeline characteristics and attributes, including diameter, wall thickness, seam type, and grade (e.g., yield strength, ultimate tensile strength, or pressure rating for valves and flanges, etc.), must be maintained for the life of the pipeline and be traceable, verifiable, and complete. Charpy v-notch toughness values established under this subsection needed to meet the requirements of the ECA method at subparagraph (12)(U)3.C. (192.624(c)(3)) or the fracture mechanics requirements at subsection (13)(EE) (192.712) must be maintained for the life of the pipeline.

3. Verification of material properties and attributes. If an operator does not have traceable, verifiable, and complete records required by paragraph (12)(E)2., the operator must develop and implement procedures for conducting nondestructive or destructive tests, examinations, and assessments in order to verify the material properties of aboveground line pipe and components, and of buried line pipe and components when excavations occur at the following opportunities: Anomaly direct examinations, in situ evaluations, repairs, remediations, maintenance, and excavations that are associated with replacements or relocations of pipeline segments that are removed from service. The procedures must also provide for the following:

A. For nondestructive tests, at each test location, material properties for minimum yield strength and ultimate tensile strength must be determined at a minimum of five (5) places in at least two (2) circumferential quadrants of the pipe for a minimum total of ten (10) test readings at each pipe cylinder location;

B. For destructive tests, at each test location, a set of material properties tests for minimum yield strength and ultimate tensile strength must be conducted on each test pipe cylinder removed from each location, in accordance with API Specification 5L;

C. Tests, examinations, and assessments must be appropriate for verifying the necessary material properties and attributes;

D. If toughness properties are not documented, the procedures must include accepted industry methods for verifying pipe material toughness; and

E. Verification of material properties and attributes for non-line pipe components must comply with paragraph (12)(E)6.

4. Special requirements for nondestructive methods. Procedures developed in accordance with paragraph (12)(E)3. for verification of material properties and attributes using nondestructive methods must—

A. Use methods, tools, procedures, and techniques that have been validated by a subject matter expert based on comparison with destructive test results on material of comparable grade and vintage;

B. Conservatively account for measurement inaccuracy and uncertainty using reliable engineering tests and analyses; and

C. Use test equipment that has been properly calibrated for comparable test materials prior to usage.

5. Sampling multiple segments of pipe. To verify material properties and attributes for a population of multiple, comparable segments of pipe without traceable, verifiable, and complete records, an operator may use a sampling program in accordance with the following requirements:

A. The operator must define separate populations of similar segments of pipe for each combination of the following material properties and attributes: Nominal wall thicknesses, grade, manufacturing process, pipe manufacturing dates, and construction dates. If the dates between the manufacture or construction

of the pipeline segments exceeds two (2) years, those segments cannot be considered as the same vintage for the purpose of defining a population under this section. The total population mileage is the cumulative mileage of pipeline segments in the population. The pipeline segments need not be continuous;

B. For each population defined according to subparagraph (12)(E)5.A., the operator must determine material properties at all excavations that expose the pipe associated with anomaly direct examinations, in situ evaluations, repairs, remediations, or maintenance, except for pipeline segments exposed during excavation activities pursuant to subsection (12)(I) (192.614), until completion of the lesser of the following:

(I) One (1) excavation per mile rounded up to the nearest whole number; or

(II) One-hundred-fifty (150) excavations if the population is more than one-hundred-fifty (150) miles;

C. Prior tests conducted for a single excavation according to the requirements of paragraph (12)(E)3. may be counted as one (1) sample under the sampling requirements of this paragraph (12)(E)5.;

D. If the test results identify line pipe with properties that are not consistent with available information or existing expectations or assumed properties used for operations and maintenance in the past, the operator must establish an expanded sampling program. The expanded sampling program must use valid statistical bases designed to achieve at least a ninety-five percent (95%) confidence level that material properties used in the operation and maintenance of the pipeline are valid. The approach must address how the sampling plan will be expanded to address findings that reveal material properties that are not consistent with all available information or existing expectations or assumed material properties used for pipeline operations and maintenance in the past. Operators must notify PHMSA in advance of using an expanded sampling approach in accordance with subsection (1)(M) (192.18); and

E. An operator may use an alternative statistical sampling approach that differs from the requirements specified in subparagraph (12)(E)5.B. The alternative sampling program must use valid statistical bases designed to achieve at least a ninety-five percent (95%) confidence level that material properties used in the operation and maintenance of the pipeline are valid. The approach must address how the sampling plan will be expanded to address findings that reveal material properties that are not consistent with all available information or existing expectations or assumed material properties used for pipeline operations and maintenance in the past. Operators must notify PHMSA in advance of using an alternative sampling approach in accordance with subsection (1)(M) (192.18).

6. Components. For mainline pipeline components other than line pipe, an operator must develop and implement procedures in accordance with paragraph (12)(E)3. for establishing and documenting the ANSI rating or pressure rating (in accordance with ASME/ANSI B16.5 (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D))).

A. Operators are not required to test for the chemical and mechanical properties of components in compressor stations, meter stations, regulator stations, separators, river crossing headers, mainline valve assemblies, valve operator piping, or cross-connections with isolation valves from the mainline pipeline.

B. Verification of material properties is required for non-line pipe components, including valves, flanges, fittings, fabricated assemblies, and other pressure retaining components and appurtenances that are—

(I) Larger than two (2) inches in nominal outside diameter;

(II) Material grades of forty-two thousand (42,000) psi (Grade X-42) or greater; or

(III) Appurtenances of any size that are directly installed on the pipeline and cannot be isolated from mainline pipeline pressures.

C. Procedures for establishing material properties of non-line pipe components must be based on the documented manufacturing specification for the components. If specifications are not known, usage of manufacturer's stamped, marked, or tagged material pressure ratings and material type may be used to establish pressure rating. Operators must document the method used to determine the pressure rating and the findings of that determination.

7. Upgrading. The material properties determined from the destructive or nondestructive tests required by this subsection (12)(E) cannot be used to raise the grade or specification of the material, unless the original grade or specification is unknown and MAOP is based on an assumed yield strength of twenty-four thousand (24,000) psi in accordance with subparagraph (3)(D)2.B. (192.107(b)(2)).

(M) Maximum Allowable Operating Pressure—Steel or Plastic Pipelines. (192.619 and 192.620)

1. Except as provided in paragraphs (12)(M)3., 4., and 6., no person may operate a segment of steel or plastic pipeline at a pressure that exceeds the lowest of the following:

A. The design pressure of the weakest element in the segment, determined in accordance with sections (3) and (4). However, for steel pipe in pipelines being converted under subsection (1)(H) or upgraded under section (11), if any variable necessary to determine the design pressure under the design formula in subsection (3)(C) is unknown, one (1) of the following pressures is to be used as design pressure:

(I) Eighty percent (80%) of the first test pressure that produces yield under section N5 of Appendix N of ASME B31.8 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), reduced by the appropriate factor in part (12)(M)1.B.(II); or

(II) If the pipe is twelve and three-quarter inches (12 3/4") (three hundred twenty-four (324) mm) or less in outside diameter and is not tested to yield under this paragraph, two hundred (200) psi (one thousand three hundred seventy-nine (1379) kPa) gauge;

B. The pressure obtained by dividing the highest pressure to which the segment was tested after construction or upgraded as follows:

(I) For plastic pipe in all locations, the test pressure is divided by a factor of 1.5; and

(II) For steel pipe operated at one hundred (100) psi (six hundred eighty-nine (689) kPa) gauge or more, the test pressure is divided by a factor determined in accordance with the following table:

Class Location	Factors <sup>1</sup> , segment -			
	Installed before [[/Nov. 12, 1970/]]	Installed after [[/Nov. 11, 1970/]] and before July 1, 2020	Installed on or after July 1, 2020	Converted under subsection (1)(H) (192.14)
1	1.1	1.1	1.25	1.25
2	1.25	1.25	1.25	1.25
3	1.4	1.5	1.5	1.5
4	1.4	1.5	1.5	1.5

<sup>1</sup>For segments installed, upgraded, or converted after July 31, 1977 that are located on a platform in inland navigable waters, including a pipe riser, the factor is 1.5.

C. The highest actual operating pressure to which the segment was subjected during the five (5) years preceding the applicable date in the second column. This pressure restriction applies unless the segment was tested in accordance with subparagraph (12)(M)1.B. after the applicable date in the third column or the segment was upgraded in accordance with section (11);

Pipeline Segment	Pressure Date	Test date
Onshore gathering line that first became subject to 49 CFR 192.8 and 192.9 after April 13, 2006 (see subsection (1)(E)).	March 15, 2006, or date line becomes subject to this rule, whichever is later.	Five (5) years preceding applicable date in second column.
Onshore transmission line that was a gathering line not subject to 49 CFR 192.8 and 192.9 before March 15, 2006 (see subsection (1)(E)).	March 15, 2006	March 15, 2001
All other pipelines.	July 1, 1970	July 1, 1965

D. The pressure determined by the operator to be the maximum safe pressure after considering **and accounting for records of material properties, including material properties verified in accordance with subsection (12)(E), if applicable, and the history of the pipeline segment, [particularly] including known corrosion and the actual operating pressure.**

2. No person may operate a segment of pipeline to which this subsection applies unless overpressure protective devices are installed for the segment in a manner that will prevent the maximum allowable operating pressure from being exceeded, in accordance with subsection (4)(CC). (192.195)

3. The requirements on pressure restrictions in this subsection do not apply in the following instance~~/.~~: An operator may operate a segment of pipeline found to be in satisfactory condition, considering its operating and maintenance history, at the highest actual operating pressure to which the segment was subjected during the five (5) years preceding the applicable date in the second column of the table in subparagraph (12)(M)1.C. An operator must still comply with subsection (12)(G).

4. No person may operate a pipeline at a pressure that results in a hoop stress greater than seventy-two percent (72%) of SMYS.

5. Notwithstanding the requirements in paragraphs (12)(M)1. through 4., operators of steel transmission pipelines that meet the criteria specified in paragraph (12)(U)1. must establish and document the maximum allowable operating pressure in accordance with subsection (12)(U).

6. Operators of steel transmission pipelines must make and retain records necessary to establish and document the MAOP of each pipeline segment in accordance with paragraphs (12)(M)1. through 5. as follows:

A. Operators of pipelines in operation as of July 1, 2020 must retain any existing records establishing MAOP for the life of the pipeline;

B. Operators of pipelines in operation as of July 1, 2020 that do not have records establishing MAOP and are required to reconfirm MAOP in accordance with subsection (12)(U), must retain the records reconfirming MAOP for the life of the pipeline; and

C. Operators of pipelines placed in operation after July 1, 2020 must make and retain records establishing MAOP for the life of the pipeline.

/5./7. Alternative maximum allowable operating pressure for certain steel pipelines. (192.620) The federal regulations at 49 CFR 192.620 are not adopted in this rule.

(U) Maximum Allowable Operating Pressure Reconfirmation: Steel Transmission Pipelines. (192.624)

1. Applicability. Operators of steel transmission pipeline segments must reconfirm the maximum allowable operating pressure (MAOP) of all pipeline segments in accordance with the requirements of this section if either of the following conditions are met:

A. Records necessary to establish the MAOP in accordance with subparagraph (12)(M)1.B., including records required by paragraph (10)(I)1., are not traceable, verifiable, and complete and the pipeline is located in one of the following locations:

(I) A high consequence area as defined in 49 CFR 192.903 (incorporated by reference in section (16)); or

(II) A Class 3 or Class 4 location.

B. The pipeline segment's MAOP was established in accordance with paragraph (12)(M)3., the pipeline segment's MAOP is greater than or equal to thirty percent (30%) of the specified minimum yield strength, and the pipeline segment is located in one of the following areas:

(I) A high consequence area as defined in 49 CFR 192.903 (incorporated by reference in section (16));

(II) A Class 3 or Class 4 location; or

(III) A "moderate consequence area" as defined in subsection (1)(B), if the pipeline segment can accommodate inspection by means of instrumented inline inspection tools.

2. Procedures and completion dates. Operators of a pipeline subject to this subsection must develop and document procedures for completing all actions required by this section by July 1, 2021. These procedures must include a process for reconfirming MAOP for any pipelines that meet a condition of paragraph (12)(U)1., and for performing a spike test or material verification in accordance with subsections (10)(K) and (12)(E), if applicable. All actions required by this subsection must be completed according to the following schedule:

A. Operators must complete all actions required by this subsection on at least fifty percent (50%) of the pipeline mileage by July 3, 2028;

B. Operators must complete all actions required by this subsection on one-hundred percent (100%) of the pipeline mileage by July 2, 2035 or as soon as practicable, but not to exceed four (4) years after the pipeline segment first meets a condition of paragraph (12)(U)1. (e.g., due to a location becoming a high consequence area), whichever is later; and

C. If operational and environmental constraints limit an operator from meeting the deadlines in this subsection, the operator may petition for an extension of the completion deadlines by up to one (1) year, upon submittal of a notification in accordance with subsection (1)(M) (192.18). The notification must include an up-to-date plan for completing all actions in accordance with this subsection, the reason for the requested extension, current status, proposed completion date, outstanding remediation activities, and any needed temporary measures needed to mitigate the impact on safety.

3. Maximum allowable operating pressure determination. Operators of a pipeline segment meeting a condition in paragraph (12)(U)1. must reconfirm its MAOP using one of the following methods:

A. Method 1: Pressure test. Perform a pressure test and verify material properties records in accordance with subsection (12)(E) and the following requirements:

(I) Pressure test. Perform a pressure test in accordance with section (10). The MAOP must be equal to the test pressure divided by the greater of either 1.25 or the applicable class location factor in (12)(M)1.B.(II);

(II) Material properties records. Determine if the following material properties records are documented in traceable, verifiable, and complete records: diameter, wall thickness, seam type, and grade (minimum yield strength, ultimate tensile strength); and

(III) Material properties verification. If any of the records required by (12)(U)3.A.(II) are not documented in traceable, verifiable, and complete records, the operator must obtain the missing records in accordance with subsection (12)(E). An operator must test the pipe materials cut out from the test manifold sites at the time the pressure test is conducted. If there is a failure during the pressure test, the operator must test any removed pipe from the pressure test failure in accordance with subsection (12)(E);

B. Method 2: Pressure Reduction. Reduce pressure, as

necessary, and limit MAOP to no greater than the highest actual operating pressure sustained by the pipeline during the five (5) years preceding October 1, 2019, divided by the greater of 1.25 or the applicable class location factor in (12)(M)1.B.(II). The highest actual sustained pressure must have been reached for a minimum cumulative duration of eight (8) hours during a continuous thirty (30)-day period. The value used as the highest actual sustained operating pressure must account for differences between upstream and downstream pressure on the pipeline by use of either the lowest maximum pressure value for the entire pipeline segment or using the operating pressure gradient along the entire pipeline segment (i.e., the location-specific operating pressure at each location).

(I) Where the pipeline segment has had a class location change in accordance with subsection (12)(G), and records documenting diameter, wall thickness, seam type, grade (minimum yield strength and ultimate tensile strength), and pressure tests are not documented in traceable, verifiable, and complete records, the operator must reduce the pipeline segment MAOP as follows:

(a) For pipeline segments where a class location changed from Class 1 to Class 2, from Class 2 to Class 3, or from Class 3 to Class 4, reduce the pipeline MAOP to no greater than the highest actual operating pressure sustained by the pipeline during the five (5) years preceding October 1, 2019, divided by 1.39 for Class 1 to Class 2, 1.67 for Class 2 to Class 3, and 2.00 for Class 3 to Class 4; and

(b) For pipeline segments where a class location changed from Class 1 to Class 3, reduce the pipeline MAOP to no greater than the highest actual operating pressure sustained by the pipeline during the five (5) years preceding October 1, 2019, divided by 2.00.

(II) Future uprating of the pipeline segment in accordance with section (11) is allowed if the MAOP is established using Method 2.

(III) If an operator elects to use Method 2, but desires to use a less conservative pressure reduction factor or longer look-back period, the operator must notify PHMSA in accordance with subsection (1)(M) (192.18) no later than seven (7) calendar days after establishing the reduced MAOP. The notification must include the following details:

(a) Descriptions of the operational constraints, special circumstances, or other factors that preclude, or make it impractical, to use the pressure reduction factor specified in subparagraph (12)(U)3.B.;

(b) The fracture mechanics modeling for failure stress pressures and cyclic fatigue crack growth analysis that complies with subsection (13)(EE);

(c) Justification that establishing MAOP by another method allowed by this subsection is impractical;

(d) Justification that the reduced MAOP determined by the operator is safe based on analysis of the condition of the pipeline segment, including material properties records, material properties verified in accordance with subsection (12)(E), and the history of the pipeline segment, particularly known corrosion and leakage, and the actual operating pressure, and additional compensatory preventive and mitigative measures taken or planned; and

(e) Planned duration for operating at the requested MAOP, long-term remediation measures and justification of this operating time interval, including fracture mechanics modeling for failure stress pressures and cyclic fatigue growth analysis and other validated forms of engineering analysis that have been reviewed and confirmed by subject matter experts;

C. Method 3: Engineering Critical Assessment (ECA). Conduct an ECA in accordance with subsection (12)(V);

D. Method 4: Pipe Replacement. Replace the pipeline segment in accordance with this rule;

E. Method 5: Pressure Reduction for Pipeline Segments with Small Potential Impact Radius. Pipelines with a potential impact radius (PIR) less than or equal to one-hundred-fifty (150) feet may establish the MAOP as follows:

(I) Reduce the MAOP to no greater than the highest actual operating pressure sustained by the pipeline during five (5) years preceding October 1, 2019, divided by 1.1. The highest actual sustained pressure must have been reached for a minimum cumulative duration of eight (8) hours during one continuous thirty (30)-day period. The reduced MAOP must account for differences between discharge and upstream pressure on the pipeline by use of either the lowest value for the entire pipeline segment or the operating pressure gradient (i.e., the location specific operating pressure at each location);

(II) Conduct patrols in accordance with paragraphs (13)(C)1. and 3. and conduct instrumented leakage surveys in accordance with subsection (13)(D) at intervals not to exceed those in the following table 1:

Table 1

Class locations	Patrols	Leakage surveys
(A) Class 1 and Class 2	3½ months, but at least four times each calendar year	3½ months, but at least four times each calendar year
(B) Class 3 and Class 4	3 months, but at least six times each calendar year	3 months, but at least six times each calendar year

(III) Under Method 5, future uprating of the pipeline segment in accordance with section (11) is allowed; or

F. Method 6: Alternative Technology. Operators may use an alternative technical evaluation process that provides a documented engineering analysis for establishing MAOP. If an operator elects to use alternative technology, the operator must notify PHMSA in advance in accordance with subsection (1)(M) (192.18). The notification must include descriptions of the following details:

(I) The technology or technologies to be used for tests, examinations, and assessments; the method for establishing material properties; and analytical techniques with similar analysis from prior tool runs done to ensure the results are consistent with the required corresponding hydrostatic test pressure for the pipeline segment being evaluated;

(II) Procedures and processes to conduct tests, examinations, assessments and evaluations, analyze defects and flaws, and remediate defects discovered;

(III) Pipeline segment data, including original design, maintenance and operating history, anomaly or flaw characterization;

(IV) Assessment techniques and acceptance criteria, including anomaly detection confidence level, probability of detection, and uncertainty of the predicted failure pressure quantified as a fraction of specified minimum yield strength;

(V) If any pipeline segment contains cracking or may be susceptible to cracking or crack-like defects found through or identified by assessments, leaks, failures, manufacturing vintage histories, or any other available information about the pipeline, the operator must estimate the remaining life of the pipeline in accordance with subsection (13)(EE);

(VI) Operational monitoring procedures;

(VII) Methodology and criteria used to justify and establish the MAOP; and

(VIII) Documentation of the operator's processes and procedures used to implement the use of the alternative technology, including any records generated through its use.

4. Records. An operator must retain records of investigations, tests, analyses, assessments, repairs, replacements, alterations, and other actions taken in accordance with the requirements of this subsection for the life of the pipeline.

(V) Engineering Critical Assessment for Maximum Allowable Operating Pressure Reconfirmation: Steel Transmission Pipelines. (192.632) When an operator conducts an MAOP



reconfirmation in accordance with (12)(U)3.C. “Method 3” using an ECA to establish the material strength and MAOP of the pipeline segment, the ECA must comply with the requirements of this section. The ECA must assess: threats; loadings, and operational circumstances relevant to those threats, including along the pipeline right-of-way; outcomes of the threat assessment; relevant mechanical and fracture properties; in-service degradation or failure processes; and initial and final defect size relevance. The ECA must quantify the interacting effects of threats on any defect in the pipeline.

#### 1. ECA Analysis.

A. The material properties required to perform an ECA analysis in accordance with paragraph (12)(V)1. are as follows: Diameter, wall thickness, seam type, grade (minimum yield strength and ultimate tensile strength), and Charpy v-notch toughness values based upon the lowest operational temperatures, if applicable. If any material properties required to perform an ECA for any pipeline segment in accordance with paragraph (12)(V)1. are not documented in traceable, verifiable and complete records, an operator must use conservative assumptions and include the pipeline segment in its program to verify the undocumented information in accordance with subsection (12)(E). The ECA must integrate, analyze, and account for the material properties, the results of all tests, direct examinations, destructive tests, and assessments performed in accordance with subsection (12)(V), along with other pertinent information related to pipeline integrity, including close interval surveys, coating surveys, interference surveys required by section (9), cause analyses of prior incidents, prior pressure test leaks and failures, other leaks, pipe inspections, and prior integrity assessments, including those required by subsections (12)(L) and (13)(DD) and section (16).

B. The ECA must analyze and determine the predicted failure pressure for the defect being assessed using procedures that implement the appropriate failure criteria and justification as follows:

(I) The ECA must analyze any cracks or crack-like defects remaining in the pipe, or that could remain in the pipe, to determine the predicted failure pressure of each defect in accordance with subsection (13)(EE);

(II) The ECA must analyze any metal loss defects not associated with a dent, including corrosion, gouges, scrapes, or other metal loss defects that could remain in the pipe, to determine the predicted failure pressure. ASME/ANSI B31G (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)) or R-STRENG (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) must be used for corrosion defects. Both procedures and their analysis apply to corroded regions that do not penetrate the pipe wall over eighty percent (80%) of the wall thickness and are subject to the limitations prescribed in the equations’ procedures. The ECA must use conservative assumptions for metal loss dimensions (length, width, and depth);

(III) When determining the predicted failure pressure for gouges, scrapes, selective seam weld corrosion, crack-related defects, or any defect within a dent, appropriate failure criteria and justification of the criteria must be used and documented; and

(IV) If SMYS or actual material yield and ultimate tensile strength is not known or not documented by traceable, verifiable, and complete records, then the operator must assume thirty thousand (30,000) psi or determine the material properties using subsection (12)(E).

C. The ECA must analyze the interaction of defects to conservatively determine the most limiting predicted failure pressure. Examples include, but are not limited to, cracks in or near locations with corrosion metal loss, dents with gouges or other metal loss, or cracks in or near dents or other deformation dam-

age. The ECA must document all evaluations and any assumptions used in the ECA process.

D. The MAOP must be established at the lowest predicted failure pressure for any known or postulated defect, or interacting defects, remaining in the pipe divided by the greater of 1.25 or the applicable factor listed in (12)(M)1.B.(II).

2. Assessment to determine defects remaining in the pipe. An operator must utilize previous pressure tests or develop and implement an assessment program to determine the size of defects remaining in the pipe to be analyzed in accordance with paragraph (12)(V)1.

A. An operator may use a previous pressure test that complied with section (10) to determine the defects remaining in the pipe if records for a pressure test meeting the requirements of section (10) exist for the pipeline segment. The operator must calculate the largest defect that could have survived the pressure test. The operator must predict how much the defects have grown since the date of the pressure test in accordance with subsection (13)(EE). The ECA must analyze the predicted size of the largest defect that could have survived the pressure test that could remain in the pipe at the time the ECA is performed. The operator must calculate the remaining life of the most severe defects that could have survived the pressure test and establish a reassessment interval in accordance with the methodology in subsection (13)(EE).

B. Operators may use an inline inspection program in accordance with paragraph (12)(V)3.

C. Operators may use “other technology” if it is validated by a subject matter expert to produce an equivalent understanding of the condition of the pipe equal to or greater than pressure testing or an inline inspection program. If an operator elects to use “other technology” in the ECA, it must notify PHMSA in advance of using the “other technology” in accordance with subsection (1)(M) (192.18). The “other technology” notification must have—

(I) Descriptions of the technology or technologies to be used for all tests, examinations, and assessments, including characterization of defect size used in the crack assessments (length, depth, and volumetric); and

(II) Procedures and processes to conduct tests, examinations, assessments and evaluations, analyze defects, and remediate defects discovered.

3. In-line inspection. An inline inspection (ILI) program to determine the defects remaining in the pipe for the ECA analysis must be performed using tools that can detect wall loss, deformation from dents, wrinkle bends, ovalities, expansion, seam defects, including cracking and selective seam weld corrosion, longitudinal, circumferential and girth weld cracks, hard spot cracking, and stress corrosion cracking.

A. If a pipeline has segments that might be susceptible to hard spots based on assessment, leak, failure, manufacturing vintage history, or other information, then the ILI program must include a tool that can detect hard spots.

B. If the pipeline has had a reportable federal incident, as defined in 20 CSR 4240-40.020(2)(D), attributed to a girth weld failure since its most recent pressure test, then the ILI program must include a tool that can detect girth weld defects unless the ECA analysis performed in accordance with this section includes an engineering evaluation program to analyze and account for the susceptibility of girth weld failure due to lateral stresses.

C. Inline inspection must be performed in accordance with subsection (9)(X).

D. An operator must use unity plots or equivalent methodologies to validate the performance of the ILI tools in identifying and sizing actionable manufacturing and construction related anomalies. Enough data points must be used to validate tool performance at the same or better statistical confidence level provided in the tool specifications. The operator must have a



process for identifying defects outside the tool performance specifications and following up with the ILI vendor to conduct additional in-field examinations, reanalyze ILI data, or both.

E. Interpretation and evaluation of assessment results must meet the requirements of subsections (13)(H) and (13)(DD) and section (16), and must conservatively account for the accuracy and reliability of ILI, in-the-ditch examination methods and tools, and any other assessment and examination results used to determine the actual sizes of cracks, metal loss, deformation, and other defect dimensions by applying the most conservative limit of the tool tolerance specification. ILI and in-the-ditch examination tools and procedures for crack assessments (length and depth) must have performance and evaluation standards confirmed for accuracy through confirmation tests for the defect types and pipe material vintage being evaluated. Inaccuracies must be accounted for in the procedures for evaluations and fracture mechanics models for predicted failure pressure determinations.

F. Anomalies detected by ILI assessments must be remediated in accordance with applicable criteria in subsection (13)(H) and 49 CFR 192.933 (incorporated by reference in section (16)).

4. Defect remaining life. If any pipeline segment contains cracking or may be susceptible to cracking or crack-like defects found through or identified by assessments, leaks, failures, manufacturing vintage histories, or any other available information about the pipeline, the operator must estimate the remaining life of the pipeline in accordance with subsection (13)(EE).

5. Records. An operator must retain records of investigations, tests, analyses, assessments, repairs, replacements, alterations, and other actions taken in accordance with the requirements of this subsection for the life of the pipeline.

(13) Maintenance.

(DD) Transmission Lines: Assessments Outside of High Consequence Areas. (192.710)

1. Applicability: This subsection applies to steel transmission pipelines segments with a maximum allowable operating pressure of greater than or equal to thirty percent (30%) of the specified minimum yield strength and are located in—

A. A Class 3 or Class 4 location; or

B. A “moderate consequence area” as defined in subsection (1)(B), if the pipeline segment can accommodate inspection by means of an instrumented inline inspection tool (i.e., “smart pig”); and

C. This subsection does not apply to a pipeline segment located in a “high consequence area” as defined in 49 CFR 192.903 (incorporated in section (16)).

2. General.

A. Initial assessment. An operator must perform initial assessments in accordance with this section based on a risk-based prioritization schedule and complete initial assessment for all applicable pipeline segments no later than July 3, 2034, or as soon as practicable but not to exceed ten (10) years after the pipeline segment first meets the conditions of paragraph (13)(DD)1. (e.g., due to a change in class location or the area becomes a moderate consequence area), whichever is later.

B. Periodic reassessment. An operator must perform periodic reassessments at least once every ten (10) years, with intervals not to exceed one-hundred twenty-six (126) months, or a shorter reassessment interval based upon the type of anomaly, operational, material, and environmental conditions found on the pipeline segment, or as necessary to ensure public safety.

C. Prior assessment. An operator may use a prior assessment conducted before July 1, 2020 as an initial assessment for the pipeline segment, if the assessment met the section (16) requirements for in-line inspection at the time of the assessment. If an operator uses this prior assessment as its initial assessment,

the operator must reassess the pipeline segment according to the reassessment interval specified in subparagraph (13)(DD)2.B. calculated from the date of the prior assessment.

D. MAOP verification. An integrity assessment conducted in accordance with the requirements of paragraph (12)(U)3. for establishing MAOP may be used as an initial assessment or reassessment under this subsection.

3. Assessment method. The initial assessments and the reassessments required by paragraph (13)(DD)2. must be capable of identifying anomalies and defects associated with each of the threats to which the pipeline segment is susceptible and must be performed using one (1) or more of the following methods:

A. Internal inspection. Internal inspection tool or tools capable of detecting those threats to which the pipeline is susceptible, such as corrosion, deformation and mechanical damage (e.g., dents, gouges, and grooves), material cracking and crack-like defects (e.g., stress corrosion cracking, selective seam weld corrosion, environmentally assisted cracking, and girth weld cracks), hard spots with cracking, and any other threats to which the covered segment is susceptible. When performing an assessment using an in-line inspection tool, an operator must comply with subsection (9)(X);

B. Pressure test. Pressure test conducted in accordance with section (10). The use of section (10) pressure testing is appropriate for threats such as internal corrosion, external corrosion, and other environmentally assisted corrosion mechanisms; manufacturing and related defect threats, including defective pipe and pipe seams; and stress corrosion cracking, selective seam weld corrosion, dents and other forms of mechanical damage;

C. Spike hydrostatic pressure test. A spike hydrostatic pressure test conducted in accordance with subsection (10)(K). A spike hydrostatic pressure test is appropriate for time-dependent threats such as stress corrosion cracking; selective seam weld corrosion; manufacturing and related defects, including defective pipe and pipe seams; and other forms of defect or damage involving cracks or crack-like defects;

D. Direct examination. Excavation and in situ direct examination by means of visual examination, direct measurement, and recorded non-destructive examination results and data needed to assess all applicable threats. Based upon the threat assessed, examples of appropriate non-destructive examination methods include ultrasonic testing (UT), phased array ultrasonic testing (PAUT), Inverse Wave Field Extrapolation (IWEX), radiography, and magnetic particle inspection (MPI);

E. Guided Wave Ultrasonic Testing. Guided Wave Ultrasonic Testing (GWUT) as described in Appendix F to 49 CFR part 192 (incorporated in section (16));

F. Direct assessment. Direct assessment to address threats of external corrosion, internal corrosion, and stress corrosion cracking. The use of direct assessment to address threats of external corrosion, internal corrosion, and stress corrosion cracking is allowed only if appropriate for the threat and pipeline segment being assessed. Use of direct assessment for threats other than the threat for which the direct assessment method is suitable is not allowed. An operator must conduct the direct assessment in accordance with the requirements listed in 49 CFR 192.923 and with the applicable requirements specified in 49 CFR 192.925, 192.927, and 192.929 (incorporated in section (16)); or

G. “Other technology.” “Other technology” that an operator demonstrates can provide an equivalent understanding of the condition of the line pipe for each of the threats to which the pipeline is susceptible. An operator must notify PHMSA in advance of using the “other technology” in accordance with subsection (1)(M) (192.18).

4. Data analysis. An operator must analyze and account for the data obtained from an assessment performed under paragraph (13)(DD)3. to determine if a condition could adversely

affect the safe operation of the pipeline using personnel qualified by knowledge, training, and experience. In addition, when analyzing inline inspection data, an operator must account for uncertainties in reported results (e.g., tool tolerance, detection threshold, probability of detection, probability of identification, sizing accuracy, conservative anomaly interaction criteria, location accuracy, anomaly findings, and unity chart plots or equivalent for determining uncertainties and verifying actual tool performance) in identifying and characterizing anomalies.

5. **Discovery of condition.** Discovery of a condition occurs when an operator has adequate information about a condition to determine that the condition presents a potential threat to the integrity of the pipeline. An operator must promptly, but no later than one hundred eighty (180) days after conducting an integrity assessment, obtain sufficient information about a condition to make that determination, unless the operator demonstrates that one hundred eighty (180) days is impracticable.

6. **Remediation.** An operator must comply with the requirements in subsections (9)(S), (13)(G), and (13)(H), where applicable, if a condition that could adversely affect the safe operation of a pipeline is discovered.

7. **Analysis of information.** An operator must analyze and account for all available relevant information about a pipeline in complying with the requirements in paragraphs (13)(DD)1. through 6.

(EE) **Analysis of Predicted Failure Pressure.** (192.712)

1. **Applicability.** Whenever required by this rule, operators of steel transmission pipelines must analyze anomalies or defects to determine the predicted failure pressure at the location of the anomaly or defect, and the remaining life of the pipeline segment at the location of the anomaly or defect, in accordance with this subsection.

2. **Corrosion metal loss.** When analyzing corrosion metal loss under this section, an operator must use a suitable remaining strength calculation method including, ASME/ANSI B31G (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)); R-STRENG (incorporated by reference in 49 CFR 192.7 and adopted in (1)(D)); or an alternative equivalent method of remaining strength calculation that will provide an equally conservative result.

3. (Reserved)

4. **Cracks and crack-like defects.**

A. **Crack analysis models.** When analyzing cracks and crack-like defects under this subsection, an operator must determine predicted failure pressure, failure stress pressure, and crack growth using a technically proven fracture mechanics model appropriate to the failure mode (ductile, brittle, or both), material properties (pipe and weld properties), and boundary condition used (pressure test, ILI, or other).

B. **Analysis for crack growth and remaining life.** If the pipeline segment is susceptible to cyclic fatigue or other loading conditions that could lead to fatigue crack growth, fatigue analysis must be performed using an applicable fatigue crack growth law (for example, Paris Law) or other technically appropriate engineering methodology. For other degradation processes that can cause crack growth, appropriate engineering analysis must be used. The above methodologies must be validated by a subject matter expert to determine conservative predictions of flaw growth and remaining life at the maximum allowable operating pressure. The operator must calculate the remaining life of the pipeline by determining the amount of time required for the crack to grow to a size that would fail at maximum allowable operating pressure.

(I) When calculating crack size that would fail at MAOP, and the material toughness is not documented in traceable, verifiable, and complete records, the same Charpy v-notch toughness value established in subparagraph (13)(EE)5.B. must be used.

(II) Initial and final flaw size must be determined using a fracture mechanics model appropriate to the failure mode (ductile, brittle, or both) and boundary condition used (pressure test, ILI, or other).

(III) An operator must re-evaluate the remaining life of the pipeline before fifty percent (50%) of the remaining life calculated by this analysis has expired. The operator must determine and document if further pressure tests or use of other assessment methods are required at that time. The operator must continue to re-evaluate the remaining life of the pipeline before fifty percent (50%) of the remaining life calculated in the most recent evaluation has expired.

C. **Cracks that survive pressure testing.** For cases in which the operator does not have in-line inspection crack anomaly data and is analyzing potential crack defects that could have survived a pressure test, the operator must calculate the largest potential crack defect sizes using the methods in subparagraph (13)(EE)4.A. If pipe material toughness is not documented in traceable, verifiable, and complete records, the operator must use one (1) of the following for Charpy v-notch toughness values based upon minimum operational temperature and equivalent to a full-size specimen value:

(I) Charpy v-notch toughness values from comparable pipe with known properties of the same vintage and from the same steel and pipe manufacturer;

(II) A conservative Charpy v-notch toughness value to determine the toughness based upon the material properties verification process specified in subsection (12)(E);

(III) A full size equivalent Charpy v-notch upper-shelf toughness level of one hundred twenty (120) foot-pounds; or

(IV) Other appropriate values that an operator demonstrates can provide conservative Charpy v-notch toughness values of the crack-related conditions of the pipeline segment. Operators using an assumed Charpy v-notch toughness value must notify PHMSA in accordance with section (1)(M) (192.18).

5. **Data.** In performing the analyses of predicted or assumed anomalies or defects in accordance with this subsection, an operator must use data as follows.

A. An operator must explicitly analyze and account for uncertainties in reported assessment results (including tool tolerance, detection threshold, probability of detection, probability of identification, sizing accuracy, conservative anomaly interaction criteria, location accuracy, anomaly findings, and unity chart plots or equivalent for determining uncertainties and verifying tool performance) in identifying and characterizing the type and dimensions of anomalies or defects used in the analyses, unless the defect dimensions have been verified using in situ direct measurements.

B. The analyses performed in accordance with this subsection must utilize pipe and material properties that are documented in traceable, verifiable, and complete records. If documented data required for any analysis is not available, an operator must obtain the undocumented data through subsection (12)(E). Until documented material properties are available, the operator shall use conservative assumptions as follows:

(I) **Material toughness.** An operator must use one of the following for material toughness:

(a) Charpy v-notch toughness values from comparable pipe with known properties of the same vintage and from the same steel and pipe manufacturer;

(b) A conservative Charpy v-notch toughness value to determine the toughness based upon the ongoing material properties verification process specified in subsection (12)(E);

(c) If the pipeline segment does not have a history of reportable incidents caused by cracking or crack-like defects, maximum Charpy v-notch toughness values of 13.0 foot-pounds for body cracks and 4.0 foot-pounds for cold weld, lack of fusion, and selective seam weld corrosion defects;

(d) If the pipeline segment has a history of reportable incidents caused by cracking or crack-like defects, maximum Charpy v-notch toughness values of 5.0 foot-pounds for body cracks and 1.0 foot-pound for cold weld, lack of fusion, and selective seam weld corrosion; or

(e) Other appropriate values that an operator demonstrates can provide conservative Charpy v-notch toughness values of crack-related conditions of the pipeline segment. Operators using an assumed Charpy v-notch toughness value must notify PHMSA in advance in accordance with subsection (I)(M) (192.18) and include in the notification the bases for demonstrating that the Charpy v-notch toughness values proposed are appropriate and conservative for use in analysis of crack-related conditions;

(II) Material strength. An operator must assume one of the following for material strength:

(a) Grade A pipe (30,000 psi); or

(b) The specified minimum yield strength that is the basis for the current maximum allowable operating pressure; and

(III) Pipe dimensions and other data. Until pipe wall thickness, diameter, or other data are determined and documented in accordance with subsection (12)(E), the operator must use values upon which the current MAOP is based.

6. Review. Analyses conducted in accordance with this subsection must be reviewed and confirmed by a subject matter expert.

7. Records. An operator must keep for the life of the pipeline records of the investigations, analyses, and other actions taken in accordance with the requirements of this subsection. Records must document justifications, deviations, and determinations made for the following, as applicable:

A. The technical approach used for the analysis;

B. All data used and analyzed;

C. Pipe and weld properties;

D. Procedures used;

E. Evaluation methodology used;

F. Models used;

G. Direct in situ examination data;

H. In-line inspection tool run information evaluated, including any multiple in-line inspection tool runs;

I. Pressure test data and results;

J. In-the-ditch assessments;

K. All measurement tool, assessment, and evaluation accuracy specifications and tolerances used in technical and operational results;

L. All finite element analysis results;

M. The number of pressure cycles to failure, the equivalent number of annual pressure cycles, and the pressure cycle counting method;

N. The predicted fatigue life and predicted failure pressure from the required fatigue life models and fracture mechanics evaluation methods;

O. Safety factors used for fatigue life and/or predicted failure pressure calculations;

P. Reassessment time interval and safety factors;

Q. The date of the review;

R. Confirmation of the results by qualified technical subject matter experts; and

S. Approval by responsible operator management personnel.

(FF) Launcher and Receiver Safety. (192.750) Any launcher or receiver used after July 1, 2021, must be equipped with a device capable of safely relieving pressure in the barrel before removal or opening of the launcher or receiver barrel closure or flange and insertion or removal of in-line inspection tools, scrapers, or spheres. An operator must use a device to either: Indicate that pressure has been relieved in the barrel; or alternatively prevent opening of the barrel closure or flange when pressurized, or insertion or removal of in-line devices (e.g., inspection tools,

scrapers, or spheres), if pressure has not been relieved.

(16) Pipeline Integrity Management for Transmission Lines.

(A) As set forth in the *Code of Federal Regulations* (CFR) dated October 1, 2018/9, and the subsequent amendment 192-125 (published in *Federal Register* on October 1, 2019, page 84 FR 52180), the federal regulations in 49 CFR part 192, subpart O and in 49 CFR part 192, [appendix] appendices E and F are incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to subpart O and [appendix] appendices E and F to 49 CFR part 192.

(B) The *Code of Federal Regulations* and the *Federal Register* are published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, 2018/9 version of 49 CFR part 192 is available at [www.gpo.gov/fdsys/search/showcitation.action](http://www.gpo.gov/fdsys/search/showcitation.action) https://www.govinfo.gov/#citation. The *Federal Register* publication on page 84 FR 52180 is available at <https://www.govinfo.gov/content/pkg/FR-2019-10-01/pdf/2019-20306.pdf>.

(C) Subpart O and [appendix] appendices E and F to 49 CFR part 192 contain the federal regulations regarding pipeline integrity management for transmission lines. Subpart O includes sections 192.901 through 192.951. Information regarding subpart O is available at <http://primis.phmsa.dot.gov/gasimp>.

(F) For the purposes of this section, the following substitutions should be made for certain references in the federal pipeline safety regulations that are incorporated by reference in subsection (16)(A).

1. [In 49 CFR 192.909(b), 192.921(a)(4), and 192.937(c)(4), the references to “a State or local pipeline safety authority when either a covered segment is located in a State where OPS has an interstate agent agreement, or an intrastate covered segment is regulated by that State” should refer to “designated commission personnel” instead.] (Reserved)

2. In 49 CFR 192.917(e)(5), the reference to “part 192” should refer to “20 CSR 4240-40.030” instead.

3. In 49 CFR 192.921(a)(2) and 192.937(c)(2), the references to “subpart J of this part” should refer to “20 CSR 4240-40.030(10)” instead.

4. [In 49 CFR 192.933(a)(1) and (2), the references to “a State pipeline safety authority when either a covered segment is located in a State where PHMSA has an interstate agent agreement, or an intrastate covered segment is regulated by that State” should refer to “designated commission personnel” instead.] (Reserved)

5. In 49 CFR 192.935(b)(1)(ii), the reference to “an incident under part 191” should refer to “a federal incident under 20 CSR 4240-40.020” instead.

6. In 49 CFR 192.935(d)(2), the reference to “section 192.705” should refer to “20 CSR 4240-40.030(13)(C)” instead.

7. In 49 CFR 192.941(b)(2)(i), the reference to “section 192.706” should refer to “20 CSR 4240-40.030(13)(D)” instead.

8. In 49 CFR 192.945(a), the reference to “section 191.17 of this subchapter” should refer to “20 CSR 4240-40.020(10)” instead.

9. In 49 CFR 192.947(i), the reference to “a State authority with which OPS has an interstate agent agreement, and a State or local pipeline safety authority that regulates a covered pipeline segment within that State” should refer to “designated commission personnel” instead.

10. In 49 CFR 192.951, the reference to “section 191.7 of this subchapter” should refer to “20 CSR 4240-40.020(5)(A)” instead.

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*AUTHORITY: sections 386.250, 386.310, and 393.140, RSMo 2016. This rule originally filed as 4 CSR 240-40.030. Original rule filed Feb. 23, 1968, effective March 14, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed June 29, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 1, 2021, and should include a reference to Commission Case No. GX-2021-0406. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 7, 2021, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**

**Division 4240—Public Service Commission  
Chapter 40—Gas Utilities and Gas Safety Standards**

**PROPOSED AMENDMENT**

**20 CSR 4240-40.080 Drug and Alcohol Testing.** The Commission is amending section (1) of this rule.

*PURPOSE: This amendment modifies the rule to incorporate by reference the most recent version of 49 CFR parts 40 and 199.*

(1) As set forth in the Code of Federal Regulations (CFR) dated

October 1, 2018/9, [and the subsequent amendment published on April 23, 2019 (published in Federal Register on April 23, 2019, page 84 FR 16770),] 49 CFR parts 40 and 199 are incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR parts 40 and 199. The *Code of Federal Regulations* is published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, 2018/9, version of 49 CFR parts 40 and 199 [and the Federal Register publication on page 84 FR 16770 are] is available at <https://www.govinfo.gov/#citation>.

**AUTHORITY:** sections 386.250, 386.310, and 393.140, RSMo 2016. This rule originally filed as 4 CSR 240-40.080. Original rule filed Nov. 29, 1989, effective April 2, 1990. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 29, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 1, 2021, and should include a reference to Commission Case No. GX-2021-0406. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 7, 2021, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 20—Clean Water Commission Chapter 8—Minimum Design Standards

### ORDER OF RULEMAKING

By the authority vested in the Clean Water Commission under sections 536.023(3) and 644.026, RSMo 2016, the commission amends a rule as follows:

#### **10 CSR 20-8.300 Design of Concentrated Animal Feeding Operations is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 16, 2021 (46 MoReg 318-321). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on the proposed amendment was held March 18, 2021, and the public comment period ended March 25, 2021. At the public hearing department staff explained the proposed amendment. Seventeen (17) individuals commented during the public hearing. The Department of Natural Resources received over eight hundred sixty (860) comments. For a complete list of the commenters please contact the Department of Natural Resources, Water Protection Program, PO Box 176, Jefferson City, MO 65102-0176.

#### **PURPOSE OF THIS RULEMAKING**

The rule amendment corrects an error by the Department of Natural

Resources (department) that resulted in the inadvertent removal of regulatory definitions relevant to the design standards of wastewater management and containment structures for concentrated animal feeding operations (CAFOs).

In 2018, the department amended 10 CSR 20-8.300 with the intent of moving the design-standards definitions from 10 CSR 20-8.300 to the definitions regulation, 10 CSR 20-2.010. During that rulemaking, the design-standards definitions were removed from 10 CSR 20-8.300, but due to department error the design-standards definitions were not added to 10 CSR 20-2.010, as they should have been.

This rule amendment corrects the department's error by reinstating the prior definitions in their original location in 10 CSR 20-8.300. In contrast to the 2018 rulemaking wherein the department intended to move these definitions to the general definitions rule at 10 CSR 20-2.010, the department has since determined that their reinstatement in 10 CSR 20-8.300 is the most appropriate location. Given the specialized nature of the definitions in question, it is clearer and more efficient to place them in close proximity to the design standards to which they apply.

This rule amendment clarifies that the design-standards definitions still apply and locates those definitions within the rule to which they apply.

#### **GENERAL RESPONSE TO COMMENTS CONCERNING ENVIRONMENTAL IMPACTS TO GROUNDWATER**

Many commenters have expressed concern that the proposed amendment's exclusion of perched water from the definition of groundwater table would constitute authorization to pollute shallow groundwater. Commenters point to other environmental regulations that do not have this exclusion, and conclude that the CAFO design rule would give CAFO facilities a unique permission to ignore protections for perched-water quality that are required of other facilities. Understandably, these commenters are concerned that this would lead to unacceptable risk to groundwater resources.

These concerns for the protection of groundwater resources, although consistent with the department's mission to protect waters of the state and our regulatory structure, represent a misunderstanding of the intent and impact of this rule. Regardless of this rule amendment, CAFOs will continue to be required to meet the general water-quality criteria set forth in 10 CSR 20-7.031(4). These criteria apply to all waters of the state at all times, including perched water. The definition of waters of the state in section 644.016(27), RSMo, includes all bodies of surface and subsurface water that are not entirely confined on one property. Nothing in 10 CSR 20-8.300 or this rule amendment would authorize discharge of pollutants or water contaminants from regulated CAFO facilities to waters of the state. This rule amendment is no less stringent than the other environmental rules cited by commenters with regard to groundwater protection standards, including perched water. This rule amendment does not affect the no-discharge standard applicable to these facilities, which is the most stringent standard possible.

10 CSR 20-8.300 is an engineering rule. The definitions it contains are for engineering-design purposes, not water quality. The perched-water exclusion allows engineers to properly design and construct CAFO structures in a manner that prevents potential structural problems, including those associated with perched water. Other department rules governing design of wastewater treatment structures achieve this same purpose for structures sited in zones of perched water, although the rules are structured in different ways. For example, design standards for wastewater-treatment lagoons in 10 CSR 20-8.200 have no reference to distance between the bottom of the lagoon and the water table but have strict permeability requirements for the liner to ensure avoid seepage loss. This amendment does not grant CAFO structures any special or unique privilege with respect to protection of waters of the state.

## SPECIFIC COMMENTS AND DEPARTMENT RESPONSES

Many of the comments received were the same or similar in nature. In this section, the department has consolidated the specific public comments that were similar, summarized all comments, and responded to all comments.

A number of comments were outside the scope of the rule amendment. Of those, many were also outside the jurisdiction of the Clean Water Law. With respect to those potentially within the jurisdiction of the Clean Water Law, however, the department notes that Chapter 536, RSMo, outlines the process for petitioning the Clean Water Commission to undertake a rulemaking.

**COMMENT #1:** Commenters from the Sierra Club, their membership, and the public raised concerns regarding the department's proposal to eliminate perched water from the definition of groundwater table and that it is being done for economic considerations.

**RESPONSE:** See Purpose of This Rulemaking, above. The proposed amendment restores definitions inadvertently deleted by the department during a 2018 rulemaking. The department did not intend to change the definitions in 2018 and is merely restoring them now for clarity and functionality of the rule. Accordingly, there is no economic impact.

The exclusion of perched water from the definition of groundwater table was established in prior rulemakings because perched water can be mitigated by common engineering-design components and construction activities. Processes that can mitigate perched water include such methods as installing subsurface tiling or placing aggregate to aid in moving perched water away from structures. Properly designed and installed facilities offer protection to all groundwater resources, including any perched water.

CAFOs are subject to water-quality criteria. See General Response, above.

No changes have been made to the amendment as a result of this comment.

**COMMENT #2:** Jeanne Clauson, Jo Schaper, Jan Newcomb, and others made comments voicing concern that this rule amendment will lessen rules regarding CAFOs.

**RESPONSE:** The original 10 CSR 20-8.300 definitions were established in 2012. Although the definitions were inadvertently deleted during the 2018 rulemaking, there were no changes in intent or practice regarding these definitions. See Purpose of This Rulemaking, above. Restoring the definitions will maintain the status quo.

No changes have been made to the amendment as a result of this comment.

**COMMENT #3:** Comments were received from the Sierra Club, their membership, and the public that a definition of groundwater table that excludes perched water will allow contamination of groundwater from concentrated animal feeding operations and impact aquifers, drinking water wells, and surface water. Moniteau County Neighbors Alliance commented contaminants leaking out of a containment structure into perched water have the potential to enter larger groundwater sources. Others commented that the department is allowing corporations and CAFOs to knowingly pollute the waters that we all share.

**RESPONSE:** As noted in the General Response, this amendment does not authorize discharge of pollutants or water contaminants to waters of the State, including groundwater and perched water. 10 CSR 20-6.300 and 10 CSR 20-8.300 require wastewater systems at CAFOs to be designed, constructed, operated, and maintained as no-discharge facilities to protect all waters of the state, including perched water. The no-discharge requirement is the most restrictive effluent limitation that can be required of a permitted facility and meets water-quality criteria.

Section 644.051.3, RSMo, requires a Professional Engineer registered in Missouri (P.E.) design CAFO wastewater-containment struc-

tures in accordance with the Clean Water Commission's CAFO design rules and construct them according to those design plans. The exclusion of perched water from the definition of groundwater table recognizes that design engineers must consider the impacts to permanent, large groundwater tables in a different manner than transient, perched water present in the soil.

No changes have been made to the amendment as a result of this comment.

**COMMENT #4:** Comments were received from the Sierra Club, their membership, and the public questioning the lawful reason to justify the distinction to exclude perched water from the definition of groundwater table in regards to CAFOs, while also including perched water in the definition at all other wastewater treatment facilities.

**RESPONSE:** As noted in the General Response, the definition of groundwater table in the proposed amendment is for engineering purposes only. This rule amendment is authorized by section 640.710, RSMo, which grants the department authority to promulgate rules regulating the establishment, permitting, design, construction, operation, and management of Class I CAFO facilities. The same statute provides that "[s]uch rules and regulations shall be designed to afford a prudent degree of environmental protection while accommodating modern agricultural practices." As noted in the General Response and consistent with section 640.710, RSMo, the proposed amendment allows engineers to properly design and construct CAFO structures and mitigate any potential structural problems associated with perched water with engineered drainage systems that direct groundwater away from the structure as a standard construction practice.

Perched water is addressed in the design of all regulated wastewater systems, whether or not associated with a CAFO and whether or not there is a definition for groundwater table in the applicable rule(s).<sup>1</sup> The presence of perched water and depth to groundwater table, as well as other geohydrologic factors, are necessary considerations in the design of all wastewater systems. See 10 CSR 20-8.110(5)(E)6. In addition, section 644.051.3, RSMo, requires a P.E. design all wastewater systems, CAFO and non-CAFO. All P.E.s are subject to a Code of Professional Conduct promulgated in 20 CSR 2030-2.010, pursuant to which a P.E.'s primary obligation is protecting the safety, health, property, or welfare of the public. P.E.s are authorized to provide engineering services only in the specific technical area for which they are qualified. Qualified P.E.s understand that the presence of perched water and other geohydrologic factors should be evaluated during the design process and, where present, can be mitigated as part of the structural design and construction. As a result, the design of all wastewater structures considers and accounts for perched water.

No changes have been made to the amendment as a result of this comment.

**COMMENT #5:** Comments were received voicing concern that the proposed revision to the definitions stems from the desire of the regulatory agency to eliminate perched water bodies from consideration of potential environmental impacts.

**RESPONSE:** See Purpose of This Rulemaking, above.

As noted in the General Response, this amendment does not authorize discharge of pollutants or water contaminants to waters of the state, including groundwater and perched water. 10 CSR 20-6.300 and 10 CSR 20-8.300 require wastewater systems at CAFOs to be designed, constructed, operated, and maintained as no-discharge facilities to protect all waters of the state, including perched water. The no-discharge requirement is the most restrictive effluent limitation that can be required of a permitted facility and meets water-quality criteria.

Permits require owners and operators of CAFOs to install engineering controls to protect the integrity of Missouri's groundwater resources. 10 CSR 20-8 sets the minimum design standards to which all wastewater systems must be constructed. Section 644.051.3, RSMo, requires a P.E. design CAFOs in accordance with the Clean



Water Commission's CAFO design rules and construct them according to those design plans. The exclusion of perched water from the definition of groundwater table recognizes that qualified professional engineers understand that the presence of perched water and other geohydrologic factors should be evaluated during the design process and, where present, can be mitigated as part of the structural design and construction. As a result, the design of all wastewater structures considers and accounts for perched water. Properly designed and installed facilities offer protection to all groundwater resources, including any perched water.

The restoration of the groundwater-table definition in this rule amendment, which includes an exclusion of perched water, does not increase the potential for environmental impacts.

No changes have been made to the amendment as a result of this comment.

**COMMENT #6:** Comments were received from the Sierra Club, their membership, and the public that this rule change is being done to provide a direct benefit to a private applicant (United Hog Systems) that has a permit application pending before the department.

**RESPONSE:** See Purpose of This Rulemaking, above. The purpose of this rule amendment is to fix the department's error in inadvertently deleting the applicable definitions instead of moving them as intended. The only connection between this rulemaking and United Hog Systems is that the department was not aware of the error until it was pointed out during a recent appeal of a CAFO permit affiliated with United Hog Systems.

The rule amendment was not designed to provide, nor does it provide, a direct benefit to a private applicant. At no point since their initial promulgation in 2012 did the department intend to change the definitions of the design standards, whether before or after United Hog Systems applied for a CAFO permit. This rule applies equally to the design and construction of all CAFOs in Missouri.

No changes have been made to the amendment as a result of this comment.

**COMMENT #7:** Ashlen Busick, Socially Responsible Agriculture Project, and others commented that excluding perched water from the definition of groundwater table and from further consideration in the rule is not protective of groundwater quality. Comments were made that changing the definitions does not change the problem perched water presents.

**RESPONSE:** As noted in the General Response, this amendment does not authorize discharge of pollutants or water contaminants to waters of the state, including groundwater and perched water. 10 CSR 20-6.300 and 10 CSR 20-8.300 require wastewater systems at CAFOs to be designed, constructed, operated, and maintained as no-discharge facilities to protect all waters of the state, including perched water. The no-discharge requirement is the most restrictive effluent limitation that can be required of a permitted facility and meets water-quality criteria.

The proposed definition is located in the minimum design-standards rule and is used to design and establish a separation distance between the groundwater table and the bottom of CAFO wastewater-containment structures. Perched water can be effectively mitigated by standard engineering-design components such as tiling and placement of aggregate around the perimeter of containment structures. CAFO operating permits require the installation of engineering controls sufficient to prevent discharges to surface or subsurface water. As noted previously, section 644.051.3, RSMo, requires a P.E. design CAFOs in accordance with the Clean Water Commission's CAFO design rules and construct them according to those design plans. Properly designed and installed facilities protect all groundwater resources, including any perched water.

CAFOs are subject to groundwater protection standards. See General Response, above.

No changes have been made as a result of this comment.

**COMMENT #8:** Deborah Walker commented, "The original regulations of SB391 was to protect our groundwater. Changing this definition could be dangerous to our environment and to people's lives."

**RESPONSE:** Senate Bill 391 did not change design and construction requirements, nor did it change groundwater-protection standards. Senate Bill 391 changed four (4) statutes and added one (1) new statute. It created a new legislative committee and established land-application requirements for third-party recipients of CAFO liquid waste. It also changed how local codes and ordinances may be imposed, the CAFO Fund usage, and neighbor-notification requirements for CAFO operating-permit applicants. None of these changes pertain to the department's design standards for CAFOs or this rule-making.

No changes have been made to the amendment as a result of this comment.

**COMMENT #9:** Stephen Jeffery, representing Poosey Neighbors United, LLC, a citizens group in Livingston County, and Dr. Robert Criss, commented that the proposed amendment will accelerate the misuse, degradation, and contamination of the waters of Missouri.

**RESPONSE:** This rule amendment does not contribute to any misuse, degradation, or contamination of waters of the state. As noted in the General Response, this amendment does not authorize discharge of pollutants or water contaminants to waters of the state, including groundwater and perched water. CAFO permits require the installation of engineering controls to protect the integrity of Missouri's groundwater resources. As noted previously, section 644.051.3, RSMo, requires a P.E. design CAFOs in accordance with the Clean Water Commission's CAFO design rules and construct them according to those design plans. 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFO wastewater systems to be designed, constructed, operated, and maintained as no-discharge facilities for the protection of groundwater and surface water. The no-discharge requirement is the most restrictive effluent limitation that can be required of a permitted facility and meets Water Quality Standards. Properly designed and installed facilities offer protection to all groundwater resources, including any perched water.

No changes have been made to the amendment as a result of this comment.

**COMMENT #10:** Stephen Jeffery representing Poosey Neighbors United, LLC, a citizens group in Livingston County, questioned the source of the proposed definitions.

**RESPONSE:** The source of the restored definitions is the definitions as they existed in rule prior to the 2018 rulemaking. The original definitions, promulgated in 2012, resulted from recommendations provided by an Inter-Agency Workgroup on Manure Storage Design Regulations. The members of the Workgroup, along with their job titles at the time, were:

- Troy Chockley, P.E., Environmental Engineer for the U.S. Department of Agriculture's Natural Resources Conservation Service, Former Animal Waste Unit Chief for the Missouri Department of Natural Resources, Water Pollution Control;

- Barbara Li, P.E., Environmental Engineer for the Agricultural Unit of the Water Protection Program within the Division of Environmental Quality, Missouri Department of Natural Resources;

- Teng Teeh Lim, Ph.D., P.E., Assistant Professor, Extension Agricultural Engineer, Commercial Agriculture Program and Agricultural Systems Management, University of Missouri;

- Darrick Steen, P.E., Agricultural Unit Chief for the Agricultural Unit of the Water Protection Program within the Division of Environmental Quality, Missouri Department of Natural Resources; and

- Joe Zulovich, Ph.D., P.E., Assistant Professor, Extension Agricultural Engineer, Commercial Agriculture Program and Agricultural Systems Management, University of Missouri.

The Workgroup met seven (7) times in 2010 to develop design standards for manure storage facilities, including definitions for design

requirements. The Workgroup's recommendations provided the basis for the 2012 rulemaking that established the original minimum design standards and definitions. That rulemaking followed the public notice-and-comment period process and was then adopted by the Clean Water Commission and codified in rule.

No changes have been made to the amendment as a result of this comment.

**COMMENT #11:** Stephen Jeffery representing Poosey Neighbors United, LLC, John Bognar, R.G., and Matthew Rhoades, CPC, RG, on behalf of the American Institute of Professional Geologists-Missouri Section, suggested any changes to this rule should involve the participation of groundwater scientists, environmental scientists, and other stakeholders.

**RESPONSE:** During this rulemaking process, the department held a stakeholder discussion and a hearing which included participation by scientists, geologists, and engineers of a variety of environmental disciplines. Other interested stakeholders and the public also participated in the rule proceedings.

No changes have been made to the amendment as a result of this comment.

**COMMENT #12:** Robert J. Brundage, on behalf of the Missouri Pork Association and Missouri Cattlemen's Association, Missouri Corn Grower Association, Missouri Soybean Association, Don Nikodim, Executive Director for the Missouri Pork Association, Adam Dohrman, Scott Hayes, and Gary Tomkins commented that reinstating the definitions is necessary to provide clarity and certainty to CAFO owners and design engineers who wish to design and construct CAFOs.

**RESPONSE:** The purpose of the rule amendment is to reestablish clarity and functionality of the rule. See Purpose of This Rulemaking, above.

No changes have been made to the amendment as a result of this comment.

**COMMENT #13:** Robert J. Brundage, on behalf of the Missouri Pork Association and Missouri Cattlemen's Association commented that the proposed definition of groundwater only applies to the design of CAFOs.

**RESPONSE:** The commenter is correct that the definitions in this rule amendment apply only to the design and construction of CAFOs.

No changes have been made to the amendment as a result of this comment.

**COMMENT #14:** Robert J. Brundage, on behalf of the Missouri Pork Association and Missouri Cattlemen's Association commented that the entire time that definitions were in the rule, there were no complaints about the definition.

**RESPONSE:** The definitions in this rule amendment were part of the rule from 2012 to 2018. Department staff do not recall receiving complaints or concerns about these definitions during that time.

No changes have been made to the amendment as a result of this comment.

**COMMENT #15:** Don Nikodim, Executive Director for the Missouri Pork Association commented that perched water, if found, is normally mitigated with engineered drainage systems and this is standard procedure for a variety of construction projects.

**RESPONSE:** The presence of perched water in the soils and other geohydrologic factors are necessary considerations in the design of many types of structures, including CAFO wastewater structures.

No changes have been made to the amendment as a result of this comment.

**COMMENT #16:** Comments were received asking how testing is conducted to document that contamination is not entering groundwa-

ter from CAFOs.

**RESPONSE:** For Class-IA (i.e., the largest) CAFOs located in hydrologically sensitive areas, the department may require groundwater monitoring.

For all CAFOs that require operating permits, CAFO operators must inspect their operation regularly to proactively identify potential maintenance issues before unauthorized discharges might arise. Records of these inspections must be kept and any deficiencies found during these inspections must be noted and corrected as soon as possible. An unauthorized discharge is a violation subject to compliance and enforcement actions. CAFOs must report any discharges to the department within twenty-four (24) hours of becoming aware of the discharge. In addition, citizens may also contact the appropriate Department Regional Office to report an environmental concern. The department investigates all reported environmental concerns.

No changes have been made to the amendment as a result of this comment.

**COMMENT #17:** Comments were received that manure storage systems are not infallible; when something goes awry with a structure responsible for containing thousands or millions of gallons of highly concentrated manure, the consequences can be disastrous. Groundwater needs to be protected in the event of failure. Moniteau County Neighbors Alliance quoted a study conducted by EPA that found there was at least some seepage in all of the waste lining materials tested.

**RESPONSE:** The purpose and scope of this rule amendment are to restore definitions inadvertently deleted in 2018. See Purpose of This Rulemaking, above. The re-establishment of the groundwater table definition, which includes an exclusion of perched water, does not increase the potential for structure failure or environmental impacts therefrom as suggested by the comments. In the unlikely event of structure failure, the owner/operator of the CAFO is responsible for taking appropriate action to mitigate any harm to human health or the environment.

The study referenced by the Moniteau County Neighbors Alliance is actually a technical guidance document from 1978, titled "EPA Wastewater Stabilization Pond Linings," 832R78013. This guidance document addresses the design, construction, and maintenance of well-sealed wastewater lagoons and the factors that affect the performance of different linings. Regardless of the quoted study, 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFO wastewater systems to be designed, constructed, operated, and maintained as no-discharge facilities for the protection of groundwater and surface water. It is unclear if the guidance document evaluated structures subject to state requirements to be designed, constructed, and operated not to discharge.

No changes have been made to the amendment as a result of this comment.

**COMMENT #18:** Comments were received that it is less expensive to prevent pollution than to attempt to mitigate pollution.

**RESPONSE:** The department's rules are designed to prevent pollution by implementing minimum design standards and operational requirements for CAFOs. See 10 CSR 20-8.300. CAFO permits do not allow discharges of pollutants and require the installation of engineering controls to prevent discharges and protect the integrity of Missouri's waters of the state. As noted previously, section 644.051.3, RSMo, requires a P.E. design CAFOs in accordance with the Clean Water Commission's CAFO design rules and construct them according to those design plans. 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFO wastewater systems to be designed, constructed, operated, and maintained as no-discharge facilities for the protection of groundwater and surface water. Properly designed and installed facilities protect all groundwater resources, including any perched groundwater. The no-discharge requirement is the most

restrictive effluent limitation that can be required of a permitted facility and meets water-quality criteria.

No changes have been made to the amendment as a result of this comment.

**COMMENTS #19:** Comments were made that a thorough hydrogeologic analysis of each proposed CAFO site should be required.

**RESPONSE:** This comment is outside the scope of the rule amendment. See Purpose of This Rulemaking, above.

No changes have been made to the amendment as a result of this comment.

**COMMENT #20:** Ashlen Busick, Regional Representative for the Socially Responsible Agriculture Project, commented that reinstating the definitions as they were five (5) years ago is not protective of groundwater quality because the Red Tape Reduction process has significantly stripped the rule. The 2016 version had a requirement for the applicant and engineer to provide references for the construction design and not simply say per published guidelines.

**RESPONSE:** This comment appears to be referring to provisions of a 2016 rule that are not part of the 2018 rule that is hereby amended nor within the scope of the subject matter of this rule amendment. The department notes, however, that it addressed the subject matter of this comment in the 2018 rulemaking, which contains the department's conclusion that a requirement for a P.E. to provide references for the construction design would be overly burdensome and unnecessary for the protection of human health and the environment. The department also notes the definitions restored by this rulemaking were part of the rule as recently as three (3) years ago, in 2018.

No changes have been made to the amendment as a result of this comment.

**COMMENT #21:** Ashlen Busick, Regional Representative for the Socially Responsible Agriculture Project, commented that reinstating the definitions as they were five (5) years ago is not protective of groundwater quality because the Red Tape Reduction process has significantly stripped the rule. The 2016 rule amendment eliminated the ability for the Missouri Geological Survey to make a determination that groundwater monitoring is necessary.

**RESPONSE:** This comment appears to be referring to provisions of a 2016 rule that are not part of the 2018 rule that is hereby amended nor within the scope of the subject matter of this rule amendment. The department notes, however, that neither the 2018 rule nor the current rule amendment affect the department's authority to obtain a site-specific determination from the Missouri Geological Survey (a division within the department) regarding when a CAFO facility is proposed to be located in a hydrologically sensitive area where groundwater may be compromised.

No changes have been made to the amendment as a result of this comment.

**COMMENT #22:** Ashlen Busick, Regional Representative for the Socially Responsible Agriculture Project commented that when literature and regulation across the country, including other Missouri regulation, recognize the importance of perched water, it causes us to question the technical merits of this proposed groundwater-table definition.

**RESPONSE:** Missouri statutes and rules reflect that perched water is important. The department's rules, including its CAFO rules, address and protect the quality of perched water. As noted in the General Response, this amendment does not authorize the discharge of pollutants or water contaminants to waters of the state, including groundwater and perched water.

Also noted in the General Response, this rule is an engineering rule and not a water-quality rule. The exclusion of perched water from the definition of groundwater table is for engineering purposes only, not for regulation of water quality. See also Response to Comment #10 for additional information regarding the Inter-Agency

Workgroup on Manure Storage Design Regulations and its recommendations, which provided the basis for the 2012 rulemaking that established the original minimum design standards and definitions.

No changes have been made to the amendment as a result of this comment.

**COMMENT #23:** Ashlen Busick, Regional Representative for the Socially Responsible Agriculture Project, commented that reinstating the definitions as they were five (5) years ago is not protective of groundwater quality because the Red Tape Reduction process has significantly stripped the rule. The 2016 version for Construction of Tanks and Pits required the floor of the below-ground storage tanks be two feet (2') above the groundwater table unless curtain drains or interception drains are installed around the perimeter of the structure to permanently lower the water table.

**RESPONSE:** This comment is outside the scope of the rule amendment. See Purpose of This Rulemaking, above. The department notes, however, the provision to lower the groundwater table by installing curtain drains or perimeter drains (previously in 10 CSR 20-8.300(6), Construction of Tanks and Pits) was removed during the 2018 rulemaking because not all tanks and pits need curtain drains or perimeter drains to prevent discharges, and therefore the requirement was overly burdensome. Other provisions of 10 CSR 20-8.300 requiring that CAFO wastewater systems be designed by P.E.s and constructed, operated, and maintained as no-discharge facilities result in curtain drains and perimeter drains being installed where necessary to achieve no-discharge tanks and pits.

No changes have been made to the amendment as a result of this comment.

**COMMENT #24:** Joan Read, private citizen, commented that municipalities are monitored closely and it doesn't make sense for the business of CAFOs to not be monitored in the same way in relation to perched water.

**RESPONSE:** Municipally owned wastewater-treatment facilities and CAFO wastewater facilities have different requirements based on differences in their facility types. Municipal facilities can be designed, constructed, operated, and maintained as discharging facilities and have water-quality monitoring requirements, effluent limitations, and associated requirements. Conversely, CAFOs are prohibited from discharging pollutants or water contaminants to waters of the state, including groundwater and perched water. 10 CSR 20-6.300 and 10 CSR 20-8.300 require wastewater systems at CAFOs be designed, constructed, operated, and maintained as no-discharge facilities to protect all waters of the state. The no-discharge requirement is the most restrictive effluent limitation that can be required of a permitted facility and meets water-quality criteria. CAFO permits require weekly inspections, retention of inspection records, and submittal of an annual report.

No changes have been made to the amendment as a result of this comment.

**COMMENT #25:** Matthew J. Rhoades, CPG, RG, American Institute of Professional Geologists-Missouri Section commented that the cost of conducting a geohydrological assessment of potential groundwater, whether as a perched aquifer or unconfined regional aquifer or both, would be significantly less than the potential cost for environmental cleanups associated with any leaks to the aquifers.

**RESPONSE:** Discharges by a CAFO to any waters of the state—whether surface water, perched water, or groundwater—are prohibited. All CAFOs in Missouri must be designed to prevent discharges. Engineering practices can mitigate the structural challenges presented by the presence of perched water by such methods as installing sub-surface tiling or placing aggregate to aid in moving perched water away from structures. The professional design engineer incorporates these practices in the design of CAFO wastewater systems as necessary.

No changes have been made to the amendment as a result of this comment.

**COMMENT #26:** Christine Ball-Blakely, representing the Animal Legal Defense Fund, commented that the proposed amendment in its current form would violate the Missouri Administrative Procedure Act because the proposed amendment disregards the substantial body of evidence showing that CAFOs endanger rural communities, wildlife, and ecosystems.

**RESPONSE:** See Purpose of This Rulemaking, above.

As noted in the General Response, this amendment would not authorize the discharge of pollutants or water contaminants to waters of the state, including groundwater and perched water. This rule amendment has no effect on any discharges from CAFOs, which would constitute unauthorized discharges in violation of the Clean Water Law.

The requirements for CAFO permitting in Missouri are established by statute (see, for example, sections 640.715 and 644.051, RSMo) and 10 CSR 20-6.300. Missouri law requires that CAFOs be designed and constructed to be no-discharge facilities that are protective of human health and the environment.

No changes have been made to the amendment as a result of this comment.

**COMMENT #27:** Christine Ball-Blakely, representing the Animal Legal Defense Fund, commented that the proposed amendment in its current form would violate the Missouri Administrative Procedure Act because the department and the Clean Water Commission lack statutory authority to promulgate the proposed amendment. Nothing in 644.026 [sic] RSMo authorizes the Clean Water Commission to abnegate its obligation to protect water resources.

**RESPONSE:** In addition to the Clean Water Law, Chapter 644, RSMo, the authority of the department and the Clean Water Commission to regulate CAFOs derives from the Hog Bill, sections 640.700 to 640.755, RSMo. Section 640.710, RSMo, grants the department authority to promulgate rules regulating the establishment, permitting, design, construction, operation, and management of Class-I CAFO facilities. The same statute provides that: “[s]uch rules and regulations shall be designed to afford a prudent degree of environmental protection while accommodating modern agricultural practices.”

The rule amendment is consistent with these authorities, including section 644.026, RSMo, and protects waters of the state. The amendment is part of a set of regulatory standards that require engineers to properly design and construct CAFO wastewater-storage structures to prevent discharges. This includes standard construction practices such as installing subsurface tiling or placing aggregate to aid in moving perched water away from structures. This rule amendment also is consistent with 10 CSR 20-6.300 and 10 CSR 20-8.300, which require CAFO wastewater systems be designed, constructed, operated, and maintained as no-discharge facilities. 10 CSR 20-7.031(4) protects water quality and applies to all waters of the state at all times, including perched water.

No changes have been made to the amendment as a result of this comment.

**COMMENT #28:** Christine Ball-Blakely, representing the Animal Legal Defense Fund, commented that the proposed amendment in its current form would violate the Missouri Administrative Procedure Act because the proposed amendment conflicts with the Missouri Clean Water Law, on the basis that groundwater is a water of the state and the statutory stormwater discharge exemption does not apply when discharges have entered waters of the state and rendered such waters harmful.

**RESPONSE:** As noted in the General Response, these concerns represent a misunderstanding of the intent and impact of the rule amendment. CAFOs will continue to be required to meet the general water-

quality criteria set forth in 10 CSR 20-7.031(4), which apply to all waters of the state at all times, including perched water. Section 644.016(27), RSMo, defines waters of the state to include all bodies of surface and subsurface water that are not entirely confined on one property. This amendment does not authorize discharge of pollutants or water contaminants to waters of the state, including groundwater and perched water. 10 CSR 20-6.300 and 10 CSR 20-8.300 require CAFO wastewater systems be designed, constructed, operated, and maintained as no-discharge facilities to protect all waters of the state, including perched water. The no-discharge requirement is the most restrictive effluent limitation that can be required of a permitted facility and meets water-quality criteria.

No changes have been made to the amendment as a result of this comment.

**COMMENT #29:** Several commenters discussed pollutant impacts from releases from manure storage structures.

**RESPONSE:** See General Response, above. As noted previously, this amendment does not authorize any discharge of pollutants or water contaminants to waters of the state, including groundwater and perched water. This rule retains the existing design standard of leak-tight systems to prevent discharges from manure storage structures.

No changes have been made to the amendment as a result of this comment.

**COMMENT #30:** Moniteau County Neighbors Alliance and others commented that other Missouri regulations for solid waste management and landfill construction all provide protection for perched water.

**RESPONSE:** As noted in the General Response, this amendment does not authorize discharge of pollutants or water contaminants to waters of the state, including groundwater and perched water. 10 CSR 20-6.300 and 10 CSR 20-8.300 require wastewater systems at CAFOs to be designed, constructed, operated, and maintained as no-discharge facilities to protect groundwater. The exclusion of perched water from the definition of groundwater table is for engineering purposes only, not for regulation of water quality.

In contrast, solid waste management facilities and landfills are permitted to discharge wastewater and impacted stormwater, subject to the terms and conditions of the permit.

No changes have been made to the amendment as a result of this comment.

**COMMENT #31:** Moniteau County Neighbors Alliance commented they believe the department rushed the Red Tape Reduction process to comply with legislative mandate, did not adequately consider the ramifications of the changes made, and should reopen evaluation of the rule with a stakeholder group. Stream Teams United and others voiced similar concerns.

**RESPONSE:** The purpose and scope of this rule amendment is to restore definitions that were inadvertently deleted. See Purpose of this Rulemaking, above. To the extent this comment is within the scope of the rule amendment, the department reviewed this rule in 2018 pursuant to Executive Order 17-03 and again in 2021 for this rulemaking. The department does not agree that additional changes are needed to this rule beyond this rule amendment.

No changes have been made to the amendment as a result of this comment.

**COMMENT #32:** Stream Teams United commented that with the addition of section 644.059, RSMo in 2018, exempted agricultural stormwater discharges may now legally cause pollution and violate state Water Quality Standards.

**RESPONSE:** This comment is outside the purpose and scope of the rule amendment, but to the extent the comment refers to potential discharges by CAFOs, see the General Response, above. This amendment does not authorize discharge of pollutants or water contaminants to waters of the state, including groundwater and perched water. 10 CSR 20-6.300 and 10 CSR 20-8.300 require wastewater

systems at CAFOs be designed, constructed, operated, and maintained as no-discharge facilities to protect all waters of the state. The no-discharge requirement is the most restrictive effluent limitation that can be required of a permitted facility and meets water-quality criteria.

No changes have been made to the amendment as a result of this comment.

COMMENT #33: Stream Teams United commented that with the passage of SB391, local authority to protect groundwater no longer exists, and therefore the state regulations should be reviewed and reevaluated to ensure they are being protective.

RESPONSE: This comment is outside the purpose and scope of the rule amendment. The department notes, however, that this rule was last amended in 2018 pursuant to Executive Order 17-03, which required the department to evaluate the protectiveness of all of its rules, including this one. The department found this rule protective at that time and hereby affirms this rule amendment is protective of human health and the environment, irrespective of any local requirements.

No changes have been made to the amendment as a result of this comment.

COMMENT #34: Stream Teams United commented that the department's website appears to be misleading about CAFO regulations (<https://dnr.mo.gov/env/wppcafo/index.html>) by stating that operating and construction permits are required for all size and types of CAFOs.

RESPONSE: This comment is outside the purpose and scope of the rule amendment. The department notes, however, that the commenter was correct that at the time of the comment the website contained incorrect language regarding which CAFOs require construction permits. Thank you for bringing this to the department's attention. The website has been updated to reflect current requirements. All regulated CAFOs require an operating permit. Section 644.051, RSMo, requires construction permits for earthen basins, but also requires that all activities exempted from the construction-permit requirement be designed by a P.E. in accordance with the Clean Water Commission's CAFO design rules and constructed according to those design plans. The department may conduct a post-construction site inspection prior to issuing the operating permit.

No changes have been made to the amendment as a result of this comment.

COMMENT #35: Stream Teams United commented that the department's general operating permits make reference to 10 CSR 20-8.300(10)(B) but that does not exist.

RESPONSE: Although this comment is outside the purpose and scope of the rule amendment, the department thanks the commenter for pointing this out. The general permits were issued prior to the effective date of the current version of 10 CSR 20-8.300. The department will update these references during the renewal process for the affected general permits.

No changes have been made to the amendment as a result of this comment.

COMMENT #36: Matthew J. Rhoades, CPG, RG, American Institute of Professional Geologists-Missouri Section—We feel it is imperative to organize not only AIPG members, but others similarly qualified to come together into a working group to collect and eventually amalgamate a proper, reasonable, and effective rule based on scientific and engineering principles already in use in Missouri within the solid waste management regulations. Others made comments requesting that definitions be based on scientific information.

RESPONSE: See Response to Comment #10 for additional information regarding the Inter-Agency Workgroup on Manure Storage Design Regulations and its recommendations, which provided the basis for the 2012 rulemaking that established the original minimum

design standards and definitions. The department concludes the rule amendment is proper, reasonable, effective, and based on scientific and engineering principles.

No changes have been made to the amendment as a result of this comment.

COMMENT #37: Commenters also raised the following general concerns: that Missourians need clean water more than factory farms; the department should protect Missouri's water from foreign-owned CAFOs; Missouri is turning into Iowa; small family farms are losing out to corporate farms; the department is abandoning farming communities; Missouri needs to step up for sustainable farm practices; the department is bowing to corporate farms; a hog farm in Livingston county is a bad idea; the department is removing local control of where and when CAFOs can operate safely; the department should require a Department of Health and Senior Services-registered installer for CAFOs; that factory farming ought to be banned; that the state government is taking over every county; that airborne pollution is accompanied by an unbearable stench; the use of antibiotics and disease prevention at CAFOs pollutes the water; and that CAFOs drive family farms out of business.

RESPONSE: The department acknowledges these concerns, but they are outside the purpose and scope of this rulemaking action. Most of these issues also are not within the department's authority or the jurisdiction of the Clean Water Law.

No changes have been made to the amendment as a result of these comments.

<sup>1</sup> Neither 10 CSR 20-8, Minimum Design Standards related to wastewater treatment structures, nor the Definitions rule, 10 CSR 20-2.010, currently contain a definition of groundwater table.

## **Title 11—DEPARTMENT OF PUBLIC SAFETY Division 30—Office of the Director Chapter 13—911 Training and Standards Act**

### **ORDER OF RULEMAKING**

By the authority vested in the Missouri 911 Service Board under section 650.340, RSMo Supp. 2020, the Missouri 911 Service Board rescinds a rule as follows:

**11 CSR 30-13.100** In-Service Continuing Education Training for 911 Telecommunicators **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2021 (46 MoReg 701-702). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

## **Title 11—DEPARTMENT OF PUBLIC SAFETY Division 90—Missouri 911 Service Board Chapter 4—911 Training and Standards Act**

### **ORDER OF RULEMAKING**

By the authority vested in the Missouri 911 Service Board under section 650.340, RSMo Supp. 2020, the Missouri 911 Service Board amends a rule as follows:

**11 CSR 90-4.010** General Organization **is amended**.

A notice of proposed rulemaking containing the text of the proposed

amendment was published in the *Missouri Register* on April 15, 2021 (46 MoReg 696). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 90—Missouri 911 Service Board  
Chapter 4—911 Training and Standards Act**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri 911 Service Board under section 650.340, RSMo Supp. 2020, the Missouri 911 Service Board amends a rule as follows:

**11 CSR 90-4.020 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2021 (46 MoReg 696). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 90—Missouri 911 Service Board  
Chapter 4—911 Training and Standards Act**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri 911 Service Board under section 650.340, RSMo Supp. 2020, the Missouri 911 Service Board amends a rule as follows:

**11 CSR 90-4.030 Initial Training is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2021 (46 MoReg 697). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 90—Missouri 911 Service Board  
Chapter 4—911 Training and Standards Act**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri 911 Service Board under section 650.340, RSMo Supp. 2020, the Missouri 911 Service Board amends a rule as follows:

**11 CSR 90-4.040 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2021 (46 MoReg 697-698). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days

after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri 911 Service Board received one (1) comment from staff on the proposed amendment.

COMMENT #1: Staff commented that the term “ECC” was inadvertently undefined in subsection (2)(E) of the amendment. “Emergency Communication Center” should be added before “ECC” to define this term.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri 911 Service Board has amended the final rule to reflect this change to subsection (2)(E).

**11 CSR 90-4.040 Exemptions and Waiver of Initial Training Requirement**

(2) Any persons hired after August 28, 1999, as a telecommunicator, may have the initial training requirement waived upon furnishing proof to the board that they have completed a training course in another state that meets the minimum requirements listed in 11 CSR 90-4.030.

(E) The waiver letter will suffice for proof of training by the PSAP or Emergency Communication Center (ECC).

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 90—Missouri 911 Service Board  
Chapter 4—911 Training and Standards Act**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri 911 Service Board under section 650.340, RSMo Supp. 2020, the Missouri 911 Service Board amends a rule as follows:

**11 CSR 90-4.050 Requirements for Continuing Education is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2021 (46 MoReg 698). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 90—Missouri 911 Service Board  
Chapter 4—911 Training and Standards Act**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri 911 Service Board under section 650.340, RSMo Supp. 2020, the Missouri 911 Service Board amends a rule as follows:

**11 CSR 90-4.060 Minimum Standards for Continuing Education Training is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2021 (46 MoReg 698-699). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 90—Missouri 911 Service Board  
Chapter 4—911 Training and Standards Act**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri 911 Service Board under section 650.340, RSMo Supp. 2020, the Missouri 911 Service Board amends a rule as follows:

**11 CSR 90-4.070** Procedure to Obtain Continuing Education Provider Approval for 911 Telecommunicators **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2021 (46 MoReg 699-700). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 90—Missouri 911 Service Board  
Chapter 4—911 Training and Standards Act**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri 911 Service Board under section 650.340, RSMo Supp. 2020, the Missouri 911 Service Board amends a rule as follows:

**11 CSR 90-4.080** Procedure to Obtain Approval for an Individual Continuing Education Course for 911 Telecommunicators **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2021 (46 MoReg 700-701). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 90—Missouri 911 Service Board  
Chapter 4—911 Training and Standards Act**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri 911 Service Board under section 650.340, RSMo Supp. 2020, the Missouri 911 Service Board amends a rule as follows:

**11 CSR 90-4.090** Out of State, Federal and Organizations or Commercial Entities Continuing Education Credit for 911 Telecommunicators **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2021 (46 MoReg 701). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 90—Missouri 911 Service Board  
Chapter 4—911 Training and Standards Act**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri 911 Service Board under section 650.340, RSMo Supp. 2020, the Missouri 911 Service Board amends a rule as follows:

**11 CSR 90-4.100** Computer-Based Continuing Education Training for 911 Telecommunicators **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2021 (46 MoReg 702). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 10—Kansas City Board of Police Commissioners  
Chapter 2—Private Security**

**ORDER OF RULEMAKING**

By the authority vested in the Kansas City Board of Police Commissioners under section 84.720, RSMo 2016, the board rescinds a rule as follows:

**17 CSR 10-2.010** Regulation and Licensing In General **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2021 (46 MoReg 624-625). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 10—Kansas City Board of Police Commissioners  
Chapter 2—Private Security**

**ORDER OF RULEMAKING**

By the authority vested in the Kansas City Board of Police Commissioners under section 84.720, RSMo 2016, the board adopts a rule as follows:

**17 CSR 10-2.010** Regulation and Licensing In General **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2021 (46 MoReg 625-631). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 10—Kansas City Board of Police Commissioners  
Chapter 2—Private Security**

**ORDER OF RULEMAKING**

By the authority vested in the Kansas City Board of Police Commissioners under section 84.720, RSMo 2016, the board rescinds a rule as follows:

**17 CSR 10-2.020 Application for a License is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2021 (46 MoReg 632). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 10—Kansas City Board of Police Commissioners  
Chapter 2—Private Security**

**ORDER OF RULEMAKING**

By the authority vested in the Kansas City Board of Police Commissioners under section 84.720, RSMo 2016, the board adopts a rule as follows:

**17 CSR 10-2.020 Application for a License is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2021 (46 MoReg 632–635). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 10—Kansas City Board of Police Commissioners  
Chapter 2—Private Security**

**ORDER OF RULEMAKING**

By the authority vested in the Kansas City Board of Police Commissioners under section 84.720, RSMo 2016, the board rescinds a rule as follows:

**17 CSR 10-2.030 Classification of Licenses is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2021 (46 MoReg 636). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 10—Kansas City Board of Police Commissioners  
Chapter 2—Private Security**

**ORDER OF RULEMAKING**

By the authority vested in the Kansas City Board of Police

Commissioners under section 84.720, RSMo 2016, the board adopts a rule as follows:

17 CSR 10-2.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2021 (46 MoReg 636–637). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT #1: R. Scott Glaeser, Security Manager for the City of Kansas City, Missouri (city), requested that a classification of unarmed park ranger be added to paragraph (1)(A)6. in case the city decided to re-deploy their park rangers without weapons.

RESPONSE AND EXPLANATION OF CHANGE: The Private Officers Licensing Section agreed that the classification will be added in case the city elects to change the current classification of the rangers.

**17 CSR 10-2.030 Classification of Licenses**

(1) Individual licenses to provide private security services or proprietary private investigative services granted pursuant to this chapter shall be classified as either Class A licenses or Class B licenses.

(A) Class A licensees (other than those solely seeking an Administrative License) shall have the authority to detain or apprehend suspects either committing felonies, misdemeanors, or city ordinance violations in the presence of the licensee or during the attempt to commit the same or upon probable cause to believe an offense was committed; provided, however, the authority is limited to the private property the licensee is hired to protect during the hours s/he is hired to protect said private property and is not to extend to the public streets of the city. No vehicle pursuits are allowed except as specifically authorized in 17 CSR 10-2.030(1)(A)5. Class A licenses may be further classified pursuant to the following titles, designations, and authorities:

1. Administrative Agent—One who directly supervises a Security Officer;

2. Loss prevention agent—One who is unarmed, nonuniformed, and is responsible to observe, investigate, apprehend, and prosecute shoplifters, fraud checks, internal thefts, and the like. This individual is employed to prevent theft by unobtrusive, alert skills;

3. Patrol agent—Armed or unarmed, uniformed position delegated all the responsibility of a guard with the authority to react to illegal action by apprehension or detention. Persons, such as bank guards and hospital security, are normally assigned to a particular designated post to protect persons and property. This individual may also be responsible for proactive, aggressive policing of the property they are hired to protect. These responsibilities include foot patrol, response to alarms, self-initiated activity such as car and pedestrian checks on designated private property, investigations, apprehension or detention of suspects, and assisting in prosecution;

4. Proprietary private investigator—An armed or unarmed, nonuniformed person employed exclusively and regularly by one (1) employer in connection with the affairs of that employer and where there exists an employer-employee relationship, responsible for investigations which impact that employer. The qualification for this classification is set out in 17 CSR 10-2.050(1)(C);

5. Airport police—Armed and uniformed position responsible for patrolling the property designated as the Kansas City International Airport and the Charles B. Wheeler Downtown Airport who are granted special permission to be known as the Kansas City International Airport Police. These officers are exempt from the provisions of 17 CSR 10-2.060(4). Airport police personnel shall be required to have a Class A license. Officers with licenses pursuant to



this subclassification have the following authority, in addition to those created by the Class A license. The Class A license that has the airport police designation shall have authority to enforce city ordinance and state statute violations upon the public streets of the city, but only upon the streets within the property boundaries of the Kansas City International Airport and the Charles B. Wheeler Downtown Airport. The Class A license that has the designation unarmed, uniformed “traffic control officer” shall have the authority to control traffic and issue citations for parking violations, but only upon the streets within the property boundaries of the Kansas City International Airport and the Charles B. Wheeler Downtown Airport. This section grants no authority to engage in a vehicle pursuit on streets not within the property boundaries of the Kansas City International Airport or the Charles B. Wheeler Downtown Airport; and

6. Park Rangers—Armed or unarmed and uniformed position responsible for providing security for the City of Kansas City, Missouri parks and park property, which is granted special permission to be known as the park rangers. Park rangers shall be required to have a Class A license. Officers with licenses pursuant to this subclassification have the following authority, in addition to those created by the Class A license. The Class A license that has the park ranger designation shall have authority to enforce specific agreed-upon city ordinance violations exclusively upon park property. This section grants no authority to engage in a vehicle pursuit on roadways that are not park property.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 10—Kansas City Board of Police Commissioners  
Chapter 2—Private Security**

**ORDER OF RULEMAKING**

By the authority vested in the Kansas City Board of Police Commissioners under section 84.720, RSMo 2016, the board rescinds a rule as follows:

**17 CSR 10-2.040** Application Forms and Licensing Fees  
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2021 (46 MoReg 637). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 10—Kansas City Board of Police Commissioners  
Chapter 2—Private Security**

**ORDER OF RULEMAKING**

By the authority vested in the Kansas City Board of Police Commissioners under section 84.720, RSMo 2016, the board adopts a rule as follows:

**17 CSR 10-2.040** Application Forms and Licensing Fees  
is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2021 (46 MoReg 637-646). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 10—Kansas City Board of Police Commissioners  
Chapter 2—Private Security**

**ORDER OF RULEMAKING**

By the authority vested in the Kansas City Board of Police Commissioners (board) under section 84.720, RSMo 2016, the board withdraws the proposed rescission as follows:

**17 CSR 10-2.050** Testing Requirements and Qualification  
Standards is withdrawn.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2021 (46 MoReg 647). This proposed rescission is withdrawn.

SUMMARY OF COMMENTS: No comments were received on the proposed rescission.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 10—Kansas City Board of Police Commissioners  
Chapter 2—Private Security**

**ORDER OF RULEMAKING**

By the authority vested in the Kansas City Board of Police Commissioners (board) under section 84.720, RSMo 2016, the board withdraws a proposed rule as follows:

**17 CSR 10-2.050** Testing Requirements and Qualification  
Standards is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2021 (46 MoReg 647-650). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: Comments were received by the Joint Committee on Administrative Rules concerning grammatical errors contained in the rule that could lead to confusion concerning qualifications to hold a license.

RESPONSE: As a result, the board is withdrawing and revising this rulemaking.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 10—Kansas City Board of Police Commissioners  
Chapter 2—Private Security**

**ORDER OF RULEMAKING**

By the authority vested in the Kansas City Board of Police Commissioners under section 84.720, RSMo 2016, the board rescinds a rule as follows:

**17 CSR 10-2.055** Weapons Regulations and Firearms Qualification  
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2021 (46 MoReg 651). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 10—Kansas City Board of Police Commissioners  
Chapter 2—Private Security**

**ORDER OF RULEMAKING**

By the authority vested in the Kansas City Board of Police Commissioners under section 84.720, RSMo 2016, the board adopts a rule as follows:

**17 CSR 10-2.055 Weapons Regulations and Firearms Qualification is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2021 (46 MoReg 651-654). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 10—Kansas City Board of Police Commissioners  
Chapter 2—Private Security**

**ORDER OF RULEMAKING**

By the authority vested in the Kansas City Board of Police Commissioners (board) under section 84.720, RSMo 2016, the board withdraws the proposed rescission as follows:

**17 CSR 10-2.060 Regulation, Suspension, and Revocation is withdrawn.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2021 (46 MoReg 655). This proposed rescission is withdrawn.

SUMMARY OF COMMENTS: No comments were received on the proposed rescission.

**Title 17—BOARDS OF POLICE COMMISSIONERS  
Division 10—Kansas City Board of Police Commissioners  
Chapter 2—Private Security**

**ORDER OF RULEMAKING**

By the authority vested in the Kansas City Board of Police Commissioners (board) under section 84.720, RSMo 2016, the board withdraws a proposed rule as follows:

**17 CSR 10-2.060 Regulation, Suspension, and Revocation is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2021 (46 MoReg 655-657). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: Comments were received from the Joint Committee on Administrative Rules concerning possible legal issues with this rule.

RESPONSE: As a result, the board is withdrawing and revising this rulemaking.

**Title 20—DEPARTMENT OF COMMERCE AND  
INSURANCE  
Division 2235—State Committee of Psychologists  
Chapter 7—Continuing Education**

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Psychologists under section 337.050, RSMo Supp. 2020, the committee amends a rule as follows:

**20 CSR 2235-7.010 Continuing Education is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2021 (46 MoReg 706-707). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND  
INSURANCE  
Division 2255—Missouri Board for Respiratory Care  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Respiratory Care under section 334.840, RSMo 2016, the board amends a rule as follows:

**20 CSR 2255-1.030 Complaint Handling and Disposition is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2021 (46 MoReg 658). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment on the proposed amendment.

COMMENT #1: Tricia Derges, Missouri State Representative, "Life Up Springfield" Medical and Dental Mission Clinic and Ozark Valley Medical Clinics expressing concerns and asking for clarification as to whether the proposed change only relates to respiratory care therapists or all medical licensees.

RESPONSE: The Missouri Board for Respiratory Care met on May 6, 2021 and reviewed Representative Tricia Derges' response. The board thanked Representative Derges for the comments and advised that no changes will be made.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 90—Weights, Measures and Consumer  
Protection**

**FISCAL YEAR JULY 1, 2021–JUNE 30, 2022**

*PURPOSE: This proposed budget is filed in compliance with the provisions of section 323.025.10, RSMo 2016 which requires the Missouri Propane Safety Commission to prepare and submit a budget plan for public comment.*

**INCOME:**

Estimated Assessments*	\$ 596,250
Interest Income	\$ 5,500
<b>Total Income:</b>	<b>\$ 601,750</b>

**EXPENSES:**

Furnishings, Equipment and Vehicle	
Depreciation-Amortization	\$ 19,150
Rent, Utility and Communication Expenses	\$ 22,600
Professional and Contract Services	\$ 48,100
Operating Expenses	\$ 15,950
Personnel Expenses	\$311,000
Employee Benefits	\$ 67,600
Inspection and Meeting Expenses	\$ 58,500
Commissioner Expenses	\$ 5,500
Insurance Expenses	\$ 4,400
<b>Total Expenses:</b>	<b>\$ 552,800</b>

**NET** **\$ 48,950**

\*Assessment rate: 0.00225/gallon

*AUTHORITY: section 323.025.10, RSMo 2016.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed budget with the Missouri Propane Safety Commission, 4110 Country Club Drive, Suite 200, Jefferson City, Missouri 65109-0302. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:  
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for September 13, 2021. These applications are available for public inspection at the address shown below.

**Date Filed**

**Project Number:** Project Name  
City (County)  
Cost, Description

**6/30/2021**

**#5869 HS:** Mercy Hospital – Joplin  
Joplin (Newton County)  
\$1,816,068, Replace CT scanner

**7/1/2021**

**#5878 HS:** Hannibal Regional Hospital  
Hannibal (Marion County)  
\$2,852,843, Add additional cardiac catheterization lab

**#5874 HS:** Mercy Hospital South  
St. Louis (St. Louis County)  
\$2,015,678, Add additional Bi-Plane imaging system

**#5875 HS:** Mercy Hospital South  
St. Louis (St. Louis County)  
\$2,441,411, Add additional MRI system

**7/2/2021**

**#5871 HS:** St. Louis Children's Hospital  
St. Louis (St. Louis City)  
\$2,820,000, Replace CT scanner

**#5880 RS:** Hampton Manor of St. Peters  
St. Peters (St. Charles County)  
\$16,000,000, Establish 98-bed assisted living facility

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by August 6, 2021. All written requests and comments should be sent to—

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
3418 Knipp Drive, Suite F  
PO Box 570  
Jefferson City, MO 65102  
For additional information contact Alison Dorge at  
alison.dorge@health.mo.gov.

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**Missouri Department of Revenue****EI0130**

Taxation Division

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**Construction Transient Employer Listing**

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
2 POINT CONSTRUCTION CO LLC	110 GREYSTONE AVE		KANSAS CITY	KS	66103-1355
2H&V CONSTRUCTION SERVICES LLC	PO BOX 1301		BONIFAY	FL	32425-4301
3 LLC	434 KEARNY AVE # 232		KEARNY	NJ	07032-2604
4MC CORPORATION	8040 JORDAN RD		OAKLEY	IL	62501-6999
5K INDUSTRIAL SOLUTIONS INC	2981 SAHARA CIR		FITCHBURG	WI	53711-5848
5R CONTRACTORS LLC	2514 N GRAYSTONE CIR		WICHITA	KS	67228-8039
A & B PROCESS SYSTEMS CORP	212700 STAINLESS AVE		STRATFORD	WI	54484-4324
A & K CONSTRUCTION SERVICES INC	100 CALLOWAY CT		PADUCAH	KY	42001-9035
A AND M COMMUNICATION LLC	PO BOX 175		BORING	OR	97009-0175
A AND M ENGINEERING AND ENVIRONMENTAL SERVICES INC	10010 E 16TH ST		TULSA	OK	74128-4611
A EPSTEIN & SONS INTERNATIONAL INC	600 W FULTON ST STE 800		CHICAGO	IL	60661-1254
A I INTERNATIONAL INC	8055A NATIONAL TPKE		LOUISVILLE	KY	40214-5201
ABSOLUTE CONSTRUCTION INC	954 KENNEDY AVE		SCHERERVILLE	IN	46375-7100

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Show Secretary of State Cover: Yes

# Missouri Department of Revenue

## Taxation Division

### Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
ABSOLUTE ROOFSEAL LLC	1143 S HIGHWAY 30		BLAIR	NE	68008-2325
ACADEMY ROOFING & SHEET METAL OF THE MIDWEST INC	6361 NE 14TH ST		DES MOINES	IA	50313-1212
ACCESS LIMITED CONSTRUCTION COMPANY	1102 PIKE LN		OCEANO	CA	93445-9403
ACCESS RIGGING LLC	514 ANCLOTE RD		TARPON SPGS	FL	34689-6701
ACCESSIBILITY REMODELING LLC	3112 MERRIAM LN		KANSAS CITY	KS	66106-4616
ACE AIR CONDITIONING INC	2985 ENTERPRISE RD STE A		DEBARY	FL	32713-2710
ACE AVANT CONCRETE CONSTRUCTION CO INC	PO BOX 14006		ARCHDALE	NC	27263-7006
ACE SIGN COMPANY	2540 S 1ST ST		SPRINGFIELD	IL	62704-4700
ACRONYM MEDIA INC	350 5TH AVE STE 6500		NEW YORK	NY	10118-6500
ADVANCE ELECTRIC INC	353 N INDIANA AVE		WICHITA	KS	67214-4034
ADVANCED EROSION SOLUTIONS LLC	15257 S KEELER ST		OLATHE	KS	66062-2714
ADVANCED PROJECT SOLUTIONS (FL) LLC	PO BOX 1116		SPEARFISH	SD	57783-7116
AE MFG INC	6468 N YALE AVE		TULSA	OK	74117-2411
AES MECHANICAL SERVICES	PO BOX 780115		TALLASSEE	AL	36078-0014
AG PROPERTY SOLUTIONS	PO BOX 96		EMMETSBURG	IA	50536-0096
AH BECK FOUNDATION CO INC	9014 GREEN RD		CONVERSE	TX	78109-3356
AHRS CONSTRUCTION INC	533 RAILROAD ST		BERN	KS	66408-8006
ALBERTINE COMPANY LLC	2176 WEST ST STE 207		GERMANTOWN	TN	38138-3859
ALDRIDGE ELECTRIC INC	844 E ROCKLAND RD		LIBERTYVILLE	IL	60048-3358

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## Missouri Department of Revenue

## Taxation Division

## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
ALL AMERICAN SCAFFOLD LLC	51 WASHINGTON AVE		DES MOINES	IA	50314-3642
ALL AMERICAN TRACK INC	PO BOX 186		ASH FORK	AZ	86320-0186
ALL PURPOSE ERECTORS INC	1112 STARLIFTER DR		LEBANON	IL	62254-2724
ALL SERVICE CONTRACTING CORP	2024 E DAMON AVE		DECATUR	IL	62526-4749
ALLIANCE GLAZING TECHNOLOGIES INC.	646 FORESTWOOD DR		ROMEOVILLE	IL	60446-1378
ALLIANCE RETAIL CONSTRUCTION INC	6000 CLARK CENTER AVE		SARASOTA	FL	34238-2716
ALLIED CORROSION INDUSTRIES INC	1550 COBB INDUSTRIAL DR		MARIETTA	GA	30066-6625
ALSTON CONSTRUCTION COMPANY INC	8775 FOLSOM BLVD STE 201		SACRAMENTO	CA	95826-3725
ALTERED GROUNDS OUTDOOR SERVICES LLC	4937 REDWOOD LN		GRANITE CITY	IL	62040-2651
AMERICA 9 CONSTRUCTION LLC	19015A WILKS DR		CYPRESS	TX	77433-4348
AMERICAN BRIDGE COMPANY	1000 AMERICAN BRIDGE WAY		CORAOPOLIS	PA	15108-1266
AMERICAN HYDRO CORPORATION	PO BOX 3628		YORK	PA	17402-0136
AMERICAN LIFT & SIGN SERVICE COMPANY	6958 N 97TH CIR		OMAHA	NE	68122-1060
AMERICAN PRESERVATION BUILDERS LLC	8111 ROCKSIDE RD STE 101		CLEVELAND	OH	44125-6130
AMERICAN ROOFING	2500 S 2ND ST		LEAVENWORTH	KS	66048-4542
AMERICAN SEALANTS INC	2483 RIVERSIDE PKWY		GRAND JCT	CO	81505-1319

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# Missouri Department of Revenue

## Taxation Division

### Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
AMERICOM WEST INC	2910 WATERS RD STE 170		EAGAN	MN	55121-1587
AMES CONSTRUCTION INC	2500 COUNTY ROAD 42 W		BURNSVILLE	MN	55337-6911
ANCHOR SIGN INC	PO BOX 22737		CHARLESTON	SC	29413-2737
ANDRITZ HYDRO CORP.	10735 DAVID TAYLOR DR STE 500		CHARLOTTE	NC	28262-1289
ANGELUS WATERPROOFING AND RESTORATION INC.	17762 METZLER LN		HUNTINGTON BEACH	CA	92647-6245
ANTIGO CONSTRUCTION INC	2520 CLERMONT ST		ANTIGO	WI	54409-2931
AP FABRICATIONS LLC	801 E 2ND ST		STUTTGART	AR	72160-3836
AP PROFESSIONALS OF PHOENIX LLC	350 LINDEN OAKS		ROCHESTER	NY	14625-2807
APCO ELECTRIC INC	11919 I 70 FRONTAGE RD N UNIT 127		WHEAT RIDGE	CO	80033-7120
APPLE ELECTRIC INTEGRATED SOLUTIONS INC	PO BOX 998		LOUISBURG	KS	66053-0998
APPLIED KEYSTONE TECHNOLOGIES INC.	820 OLD MOUNT GREYNA RD		LEBANON	PA	17042-4848
APPLIED POLYMERICS INC	131 SAINT JAMES WAY		MOUNT AIRY	NC	27030-6068
AR CONSTRUCTION LLC	PO BOX 1171		HOOKER	OK	73945-1171
ARACREBS1 LLC	PO BOX 1670		SPRINGDALE	AR	72765-1670
ARCHER WESTERN CONTRACTORS LLC	PAYROLL 929 W ADAMS ST		CHICAGO	IL	60607
ARCHON CONSTRUCTION CO. INC.	563 S ROUTE 53		ADDISON	IL	60101-4236
ARCHVIEW CONTRACTING LLC	3130 GRAVOIS AVE		SAINT LOUIS	MO	63118-2128
ARCHWALL LLC	PO BOX 38		STRAWBERRY PT	IA	52076-0038

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## Missouri Department of Revenue

## Taxation Division

## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
ARENA PRODUCTS AND SERVICES LLC	PO BOX 2230		ELIZABETH	CO	80107-2230
ARISTEO CONSTRUCTION COMPANY	12811 FARMINGTON RD		LIVONIA	MI	48150-1607
ARISTEO INSTALLATION LLC	12811 FARMINGTON RD		LIVONIA	MI	48150-1607
ARNDT ENTERPRISES INC	2579 195TH ST		DE WITT	IA	52742-9114
ARROW SIGNS & OUTDOOR ADVERTISING INC	4545 N ALBY RD		GODFREY	IL	62035-1954
ARVOS LJUNGSTROM LLC	3020 TRUAX RD		WELLSVILLE	NY	14895-9531
ASA CARLTON INC	5224 PALMERO CT # 1		BUFORD	GA	30518-5868
ASPEN DESIGN INC	9645 LINCOLNWAY LN STE 201		FRANKFORT	IL	60423-1884
ASPHALT STONE COMPANY	PO BOX 1060		JACKSONVILLE	IL	62651-1060
ASSOCIATED FIRE PROTECTION	4905 S 97TH ST		OMAHA	NE	68127-2202
ATLANTIC TRACK RUNWAY SERVICES LLC	2903 ARKANSAS BLVD		TEXARKANA	AR	71854-2535
ATLAS TRENCHLESS LLC	PO BOX 488		ROCKVILLE	MN	56369-0488
ATWOOD ELECTRIC INC	PO BOX 311		SIGOURNEY	IA	52591-0311
AXIOS INDUSTRIAL MAINTENANCE CONTRACTORS INC	10077 GROGANS MILL RD STE 450		SPRING	TX	77380-1030
AYARS & AYARS INC	2436 N 48TH ST		LINCOLN	NE	68504-3627
B T GROUP HOLDINGS INC	1717 S BOULDER AVE STE 300		TULSA	OK	74119-4843
B & S STEEL CO. LLC	1604 S AVE		MORNING SUN	IA	52640-9698
B D WELCH CONSTRUCTION LLC	120 INDUSTRIAL STATION RD		STEELE	AL	35987-0017



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# Missouri Department of Revenue

## Taxation Division

### Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
B&E ELECTRICAL INC	1843 ROYLE RD		SUMMERVILLE	SC	29486-1779
BABCOCK POWER ENVIRONMENTAL INC.	26 FOREST ST		MARLBOROUGH	MA	01752-3068
BABCOCK SDV LLC	33819 21ST RD		ARKANSAS CITY	KS	67005-5456
BACON FARMER WORKMAN ENGINEERING & TESTING INC	500 S 17TH ST		PADUCAH	KY	42003-2819
BAILEY CONSTRUCTION AND CONSULTING LLC	2200 N RODNEY PARHAM RD STE 206		LITTLE ROCK	AR	72212-4155
BAJA CONSTRUCTION CO INC	223 FOSTER ST		MARTINEZ	CA	94553-1029
BARKER CONTRACTING INC.	2127 E SPEEDWAY BLVD STE 101		TUCSON	AZ	85719-4751
BARLOVENTO LLC	431 TECHNOLOGY DR		DOTHAN	AL	36303-1247
BARRIER TECHNOLOGIES LLC	8245 NIEMAN RD		LENEXA	KS	66214-1508
BARTON ELECTRIC CONTRACTING INC	247 STATE ROUTE 160		TRENTON	IL	62293-4667
BASLER ELECTRIC COMPANY	12570 STATE ROUTE 143		HIGHLAND	IL	62249-1074
BAZIN SAWING & DRILLING LLC	30790 SWITZER RD		LOUISBURG	KS	66053-5903
BCI ELECTRICAL INC	PO BOX 546		GARDNER	KS	66030-0546
BEAM TEAM CONSTRUCTION INC	1350 BLUEGRASS LAKES PKWY		ALPHARETTA	GA	30004-3395
BECHEL CONSTRUCTION INC	41 BRANGENBERG HOLLOW RD		KAMPSVILLE	IL	62053-4464
BEL O COOLING & HEATING INC	8478 US HIGHWAY 50		LEBANON	IL	62254-2524

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## Missouri Department of Revenue

## Taxation Division

## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
BELL CONSTRUCTION COMPANY INC.	PO BOX 9041		NORTH LITTLE ROCK	AR	72119-9041
BERG PAINTING LLC	118 PEAVEY CIR		CHASKA	MN	55318-2347
BERRY BROS GENERAL CONTRACTORS INC	PO BOX 253		BERWICK	LA	70342-0253
BETHALTO GLASS INC	PO BOX 186		BETHALTO	IL	62010-0186
BETTIS ASPHALT & CONSTRUCTION INC	PO BOX 1694		TOPEKA	KS	66601-1694
BETWEEN THE LINES CONSTRUCTION LLC	121 E MYRTLE ST		TROY	KS	66087-5258
BEUMER CORPORATION	800 APGAR DR		SOMERSET	NJ	08873-1152
BIERMAN CONTRACTING INC	PO BOX 1887		COLUMBUS	NE	68602-1887
BILLY W JARRETT CONSTRUCTION COMPANY INC	905 S PERRY ST STE 101		MONTGOMERY	AL	36104-5021
BIRDAIR INC	6461 MAIN ST		WILLIAMSVILLE	NY	14221-5837
BLAHNIK CONSTRUCTION COMPANY	150 50TH AVENUE DR SW		CEDAR RAPIDS	IA	52404-5038
BLANKENSHIP CONSTRUCTION CO	1824 IL ROUTE 140		MULBERRY GRV	IL	62262-3303
BLATTNER ENERGY INC.	392 COUNTY ROAD 50		AVON	MN	56310-8684
BLD SERVICES LLC	2424 TYLER ST		KENNER	LA	70062-4845
BLEVINS CONSTRUCTION MANAGEMENT INC	PO BOX 111		WILDWOOD	GA	30757-0111
BLUE SKY CONSTRUCTION OF IDAHO LLC	2365 E COLUMBIA RD		MERIDIAN	ID	83642-7211
BLUEGRASS CUSTOM CABINETS LLC	3203 DEER POINT PL		PROSPECT	KY	40059-8139

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## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
BLUESTONE LLC	220 N SMITH ST STE 420		PALATINE	IL	60067-2477
BLUEWATER CONSTRUCTORS INC	PO BOX 55482		HOUSTON	TX	77255-5482
BLUNIER BUILDERS INC	1230 US HIGHWAY 24		EUREKA	IL	61530-9448
BLUSKY RESTORATION CONTRACTORS LLC	9767 E EASTER AVE		CENTENNIAL	CO	80112-3747
BOB BERGKAMP CONSTRUCTION CO INC	3709 S WEST ST		WICHITA	KS	67217-3898
BOB FLORENCE CONTRACTOR INC	PO BOX 5258		TOPEKA	KS	66605-0258
BOCO CONTRACTING & CONSTRUCTION LLC	PO BOX 638		BRIGHTON	IL	62012-0638
BODINE ELECTRIC OF DECATUR	PO BOX 976		DECATUR	IL	62525-1810
BORTON CONSTRUCTION INC	2 COPELAND AVE STE 201		LA CROSSE	WI	54603-3419
BORTON LC	PO BOX 2108		HUTCHINSON	KS	67504-2108
BOUMA CONSTRUCTION INC	4101 ROGER B CHAFFEE MEM DR SE		GRAND RAPIDS	MI	49548-3443
BRADSHAW CONSTRUCTION CORPORATION MARYLAND	175 W LIBERTY RD		ELDERSBURG	MD	21784-9381
BRAMSON HOUSE INC	151 ALBANY AVE		FREEMPORT	NY	11520-4710
BRANCH BUILDING GROUP LLC	813 COLUMBIA AVE STE B		FRANKLIN	TN	37064-8222
BRANTLEY CONSTRUCTION LLC	7227 W 162ND TER		STILWELL	KS	66085-8238
BRETT FRITZEL BUILDERS INC	2201 MALLARD CIR		EUDORA	KS	66025-2101
BREWSTER COMPANIES INC	6321 E MAIN ST		MARYVILLE	IL	62062-2014

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## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
BROCK SERVICES LLC	PO BOX 306		BEAUMONT	TX	77704-0306
BROOKS DIRECTIONAL DRILLING LLC	24531 102ND DR		BURDEN	KS	67019-9202
BROOKS ELECTRICAL	1107 N 1712 RD		LAWRENCE	KS	66049-9714
BROWN TANK LLC	6995 55TH ST N STE A		SAINT PAUL	MN	55128-1726
BRUCE CONCRETE CONSTRUCTION INCORPORATED	4401 STATE ROUTE 162		GRANITE CITY	IL	62040-6412
BRUNAUGH CONSTRUCTION AND DESIGN LLC	PO BOX 394		ALTON	IL	62002-0394
BRYAN-OHLMEIER CONST INC	911 N PEARL ST		PAOLA	KS	66071-1139
BUEHNER CONSTRUCTION INC	3158 S MAIN ST		SALT LAKE CTY	UT	84115-3750
BUFFALO GAP INSTRUMENTATION & ELECTRICAL COMPANY I	2532 AYMOND ST		EUNICE	LA	70535-6843
BULLEY & ANDREWS MASONRY RESTORATION LLC	1755 W ARMITAGE AVE		CHICAGO	IL	60622-1189
BUSH TURF INC	6800 78TH AVE W		MILAN	IL	61264-4146
BUTT CONSTRUCTION COMPANY INCORPORATED	3858 GERMANY LN		DAYTON	OH	45431-1607
CADY AQUASTORE	383 IL HWY 92		TAMPICO	IL	61283
CAM DEVELOPMENT GROUP INC	1891 OLD GRANART RD STE A		SUGAR GROVE	IL	60554-9428
CANNON UTILITY SERVICES LLC	1320 E STATE ROUTE 15		BELLEVILLE	IL	62220-4803
CANYON PLUMBING INC	PO BOX 295		ASH FLAT	AR	72513-0295

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# Missouri Department of Revenue

## Taxation Division

### Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
CAPITOL CONSTRUCTION MANAGEMENT INC	PO BOX 2227		LOWELL	AR	72745-2185
CAPITOL CONSTRUCTION SERVICES OF INDIANA INC	11051 VILLAGE SQUARE LN		FISHERS	IN	46038-4552
CARBON ACTIVATED CORPORATION	2250 S CENTRAL AVE		COMPTON	CA	90220-5311
CARDINAL INTERNATIONAL GROOVING & GRINDING LLC	PO BOX 450		CONSHOHOCKEN	PA	19428-0450
CARPORT STRUCTURES CORPORATION	1825 METAMORA RD		OXFORD	MI	48371-2419
CARSTENSEN CONTRACTING INC	800 QUARTZITE ST		DELL RAPIDS	SD	57022-1818
CAS CONSTRUCTORS LLC	3500 SW FAIRLAWN RD STE 200		TOPEKA	KS	66614-3979
CASEY INDUSTRIAL INC	890 W CHERRY ST		LOUISVILLE	CO	80027-3050
CASH DEPOT LIMITED WISCONSIN	1740 COFRIN DR STE 2		GREEN BAY	WI	54302-2086
CATALYST AIR MANAGEMENT INC	2505 BYINGTON SOLWAY RD		KNOXVILLE	TN	37931-3854
CB INDUSTRIES INC	17250 NEW LENOX RD		JOLIET	IL	60433-9758
CB RECOVERY GROUP INC	1821 WALDEN OFFICE SQ STE 395		SCHAUMBURG	IL	60173-4285
CCC GROUP INC	PO BOX 200350		SAN ANTONIO	TX	78220-0350
CEI MICHIGAN LLC	PO BOX 310		HAMBURG	MI	48139-0310
CELLSITE SOLUTIONS LLC	1720 I AVE NE		CEDAR RAPIDS	IA	52402-5205
CEMROCK LANDSCAPES INC	4790 S JULIAN AVE		TUCSON	AZ	85714-2123
CENTER LINE ELECTRIC INC.	PO BOX 1047		BELLS	TN	38006-1047

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## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
CENTRAL BUILDING & PRESERVATION LP	1071 W FRY ST		CHICAGO	IL	60642-5422
CENTRIC SECURITY & AUTOMATION INC	103 LANTER CT		COLLINSVILLE	IL	62234-6124
CENTURY FIRE PROTECTION LLC	3450 SATELLITE BLVD		DULUTH	GA	30096-4643
CERAM ENVIRONMENTAL INC	7304 W 130TH ST STE 140		OVERLAND PARK	KS	66213-2644
CFE INC	35 INDUSTRIAL PARK BLVD	BOX 1255	ELMIRA	NY	14901-1723
CHA TECH SERVICES LLC	3 WINNERS CIR		ALBANY	NY	12205-1161
CHAPMAN CANOPY INC	PO BOX 3527		HUEYTOWN	AL	35023-0527
CHARLES E MAHONEY CO	208 SERVICE ST		SWANSEA	IL	62226-3995
CHARPS LLC	453 TOWER ST NW		CLEARBROOK	MN	56634-4289
CHATTANOOGA BOILER & TANK CO INC	1011 E MAIN STREET		CHATTANOOGA	TN	37408
CHEMPRO SERVICES INC	3311 GULF BREEZE PKWY # 350		GULF BREEZE	FL	32563-3351
CHERNE CONTRACTING CORPORATION	3555 FARNAM ST		OMAHA	NE	68131-3311
CHOATE CONSTRUCTION COMPANY	8200 ROBERTS DR STE 600		ATLANTA	GA	30350-4148
CHRISTENSEN REFRACTORY	1245 LAREDO AVE		PISGAH	IA	51564-4037
CJ DRILLING INC	19N041 GALLIGAN RD		DUNDEE	IL	60118-9536
CL CONSTRUCTION LLC	1927 COUNTY ROAD I		WAHOO	NE	68066-4074
CLASSIC INDUSTRIAL SERVICES INC	456 HIGHLANDIA DR		BATON ROUGE	LA	70810-5906

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CLASSIC PROTECTIVE COATINGS INC	N7670 STATE RD 25		MENOMONIE	WI	54751
CLOVER SIGNS LLC	932 W NATIONAL AVE		BRAZIL	IN	47834-2440
CMC ELECTRIC INC	PO BOX 938		MARYVILLE	IL	62062-0938
CNR CONTRACTORS INC	15479 STATE HIGHWAY 15		KIMBALL	MN	55353-9788
COACH HOUSE INC	PO BOX 320		ARTHUR	IL	61911
COASTAL ENVIRONMENTAL GROUP INC	7 POLICE PLZ		POTOSI	MO	63664-1877
COASTAL QUALITY CONSTRUCTION INC.	4705 BROOKPARK RD		PARMA	OH	44134-1013
CODE USA LP	19785 W 12 MILE RD # 335		SOUTHFIELD	MI	48076-2584
COLCON INDUSTRIES CORPORATION	PO BOX 647		SULLIVAN	IL	61951-0647
COLUMBIA CONSTRUCTION INC	PO BOX 445		SPRING HILL	KS	66083-0445
COMBES CONSTRUCTION LLC	6925 W 206TH ST UNIT C		BUCYRUS	KS	66013-9347
COMMERCE CONSTRUCTION INC	695 N 40TH ST		SPRINGDALE	AR	72762-0602
COMMERCIAL IRRIGATION & TURF INC	109 COMMERCIAL DR		EAST PEORIA	IL	61611-7002
COMMONWEALTH ELECTRIC COMPANY OF THE MIDWEST	3910 SOUTH ST		LINCOLN	NE	68506-5220
COMPLETE GENERAL CONSTRUCTION CO	1221 E 5TH AVE		COLUMBUS	OH	43219-2456
CONCO SERVICES CORPORATION	135 SYLVAN ST		VERONA	PA	15147-1032
CONCORD TANK CORPORATION	PO BOX 5207		CONCORD	NC	28027-1503

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CONCRETE EXPRESSIONS LLC	291 E GLENN MILLER DR		CLARINDA	IA	51632-2736
CONCRETE SYSTEMS COMPANY LLC	121 EDWARDS DR		JACKSON	TN	38301-7716
CONLEY SITEWORK & UTILITIES INC	PO BOX 715		EUDORA	KS	66025-0715
CONNECTED TECHNOLOGIES LLC	PO BOX 1983		ATHENS	GA	30603-1983
CONSTRUCTION DESIGNWORKS LLC	6657 WOODLAND DR		SHAWNEE	KS	66218-9745
CONSTRUCTION ENTERPRISES INC	2179 EDWARD CURD LN STE 100		FRANKLIN	TN	37067-5789
CONSTRUCTORS INCORPORATED	207 WILLARD DR		O FALLON	IL	62269-2241
CONTEGRA SERVICES LLC	22 GTWAY COMM CTR W 110		EDWARDSVILLE	IL	62025
CONTINENTAL CONSTRUCTION COMPANY OF TENNESSEE INC	5646 SHELBY OAKS DR		MEMPHIS	TN	38134-7315
CONTINENTAL POOLS INC	805 E WARREN ST		GARDNER	KS	66030-1619
CONWAY PHILLIPS HOLDING LLC	13A TALBOT AVE		BRADDOCK	PA	15104-1113
COOPER RAIL SERVICE INC	PO BOX 199		HUNTINGBURG	IN	47542-0199
COOPERS STEEL FABRICATORS	PO BOX 149		SHELBYVILLE	TN	37162-0149
CORCO CONSTRUCTION LLC	15104 PRIDE VALLEY RD		LITTLE ROCK	AR	72223-4934
CORNERSTONE FCE SERVICES LLC	8811 TEEL PKWY UNIT 6074		FRISCO	TX	75035-4258
CORNHUSKER INSULATION LLC	2201 RIVER ROAD DR		WATERLOO	NE	68069-3407



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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
CORRECTIVE ASPHALT MATERIALS LLC	PO BOX 87129		SOUTH ROXANA	IL	62087-7129
CORROTEC INC	1125 W NORTH ST		SPRINGFIELD	OH	45504-2713
CORRTECH INC	714 OLD VANDIVER DR		CANTON	GA	30114-7465
COTTON COMMERCIAL USA INC	5443 KATY HOCKLEY CUT OFF RD		KATY	TX	77493-7008
COUNTY CONTRACTORS INC	PO BOX 3522		QUINCY	IL	62305-3522
COWIN & CO INC MINING ENGINEERS AND CONTRACTORS	PO BOX 19009		BIRMINGHAM	AL	35219-9009
CRAMER AND ASSOCIATES INC	3100 SW BROOKSIDE DR		GRIMES	IA	50111-4977
CREEK ELECTRIC INCORPORATED	2811 W PAWNEE ST		WICHITA	KS	67213-1819
CROOKHAM CONSTRUCTION LLC	PO BOX 339		TONGANOXIE	KS	66086-0339
CROWDERGULF LLC	5629 COMMERCE BLVD E		MOBILE	AL	36619-9225
CROWN CORR INC	7100 W 21ST AVE		GARY	IN	46406-2499
CSD ENVIRONMENTAL SERVICES INC	2220 YALE BLVD		SPRINGFIELD	IL	62703-3516
CTS CONSTRUCTION INC	7275 EDINGTON DR		CINCINNATI	OH	45249-1064
CUSTOM POOL LLC	32 HOWARD DR		BELLEVILLE	IL	62223-4016
CWPMO INC	1682 LANGLEY AVE		IRVINE	CA	92614-5620
D & D INDUSTRIAL CONTRACTING INC	101 MULLEN DR		WALTON	KY	41094-9607
D & L EXCAVATING INC	1958 HIGHWAY 104		LIBERTY	IL	62347-2141
D AND R HEATING AND AIR INC	1943 LEE LN		CENTRALIA	IL	62801-8756

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D5 IRON WORKS INC	18000 JEFFERSON ST		UNION	IL	60180-9440
DADE CONSTRUCTION LLC	PO BOX 4090		KANSAS CITY	KS	66104-0090
DATA CLEAN CORPORATION	1033 GRACELAND AVE		DES PLAINES	IL	60016-6511
DAVACO LP	4050 VALLEY VIEW LANE	STE 150	IRVING	TX	75038
DAVIS CONSTRUCTION	2143 NE HIGHWAY 7		COLUMBUS	KS	66725-2093
DBK CONSTRUCTION AND SERVICE SOLUTIONS INC	398 S SHELL RD		DEBARY	FL	32713-1822
DECKER CONSTRUCTION INC	PO BOX 254		COFFEYVILLE	KS	67337-0254
DECKER ELECTRIC INC	4500 W HARRY ST		WICHITA	KS	67209-2736
DEFINITIVE HOME AND DESIGN INCORPORATED	1820 ORR LN		O FALLON	IL	62269-6220
DEJAGER CONSTRUCTION INC	75 60TH ST SW		WYOMING	MI	49548-5771
DELAWARE ELEVATOR INC	2210 ALLEN DR		SALISBURY	MD	21801-8059
DELTA CONCRETE AND INDUSTRIAL CONTRACTING INC	51825 GRATIOT AVE		CHESTERFIELD	MI	48051-2014
DENHAM BLYTHE COMPANY INC	PO BOX 11636		LEXINGTON	KY	40576-1636
DENISON DRYWALL CONTRACTING INC	PO BOX 453		DENISON	IA	51442-0453
DF CHASE INC	3001 ARMORY DR STE 200		NASHVILLE	TN	37204-3711
DF OSBORNE CONSTRUCTION INC	3310 SW HARRISON ST STE 3		TOPEKA	KS	66611-2252
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST		QUINCY	IL	62301-1435

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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
DIAMOND R INDUSTRIES INC.	351200 E 5400 RD		MARAMEC	OK	74045-1079
DIAMOND SURFACE INC	21025 COMMERCE BLVD STE 900		ROGERS	MN	55374-4697
DIECKER-TERRY MASONRY INC	11327 EIFF RD		MARISSA	IL	62257-1409
DIGI SECURITY SYSTEMS LLC	PO BOX 470708		TULSA	OK	74147-0708
DIMENSION CONSTRUCTION INC	3776 NEW GETWELL RD		MEMPHIS	TN	38118-6014
DIVERSIFIED COMMERCIAL BUILDERS INC	3691 KENNESAW S INDUSTRIAL DR NW		KENNESAW	GA	30144-6513
DIVERSIFIED TRACK WORKS LLC	17671 US HIGHWAY 6		GENESEO	IL	61254-8620
DL SMITH ELECTRICAL CONSTRUCTION INC	1405 SW 41ST ST		TOPEKA	KS	66609-1295
DM2 LLC	1209 COUNTY HIGHWAY J23		CLEARFIELD	IA	50840-8814
DMS RETAIL INTERIORS INC	120 S OLIVE AVE STE 601		WEST PALM BEACH	FL	33401-5535
DN TANKS OF MISSOURI LLC	11 TEAL RD		WAKEFIELD	MA	01880-1223
DON ERBERT LLC	220 N HOLIDAY LN		IOLA	KS	66749-1522
DON JULIAN BUILDERS INC	15521 W 110TH ST		LENEXA	KS	66219-1317
DONALD FITZGERALD	PO BOX 817		MANSON	IA	50563-0817
DORMARK CONSTRUCTION CO	PO BOX 530		GRIMES	IA	50111-0530
DOTSON ELECTRIC COMPANY INC	551 CAL BATSEL RD		BOWLING GREEN	KY	42104-8520
DRC EMERGENCY SERVICES LLC	PO BOX 17017		GALVESTON	TX	77552-7017

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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
DS ELECTRIC LLC	5336 KNOX ST		MERRIAM	KS	66203-2066
DTLS INCORPORATED	PO BOX 1615		BERNALILLO	NM	87004-1615
DUBUQUE BARGE AND FLEETING SERVICE COMPANY	5 JONES ST		DUBUQUE	IA	52001-7674
DUERSON INC	601 1ST AVE N		ALTOONA	IA	50009-1431
DUININCK INC	PO BOX 208		PRINSBURG	MN	56281-0208
DUN TRANSPORTATION & STRINGING INC	304 REYNOLDS LN		SHERMAN	TX	75092-6839
DUNK FIRE & SECURITY INC	3446 WAGON WHEEL RD		SPRINGDALE	AR	72762-0115
DYKON BLASTING CORP	8120 W 81ST ST		TULSA	OK	74131-2876
DZI CONSTRUCTION INC	9675 NORTHWEST CT		CLARKSTON	MI	48346-1744
E80 PLUS CONSTRUCTORS LLC	7120 PATTON RD		DEFOREST	WI	53532-1836
EBERHART SIGN & LIGHTING CO	104 1ST AVE		EDWARDSVILLE	IL	62025-2574
EBERT CONSTRUCTION CO INC	PO BOX 198		WAMEGO	KS	66547-0198
EBM CONSTRUCTION INC	1014 SHERWOOD RD		NORFOLK	NE	68701-9060
ECKINGER CONSTRUCTION COMPANY	2340 SHEPLER CHURCH AVE SW		CANTON	OH	44706-3093
ECLIPSE COMPANIES LLC	11554 WASHINGTON ST		CHAGRIN FALLS	OH	44023-9213
EDDY'S GLASS & DOOR INC	147 W K ST		FOREST CITY	IA	50436-1519
EDNA LUMBER CO INC	PO BOX 820		EDNA	TX	77957-0820
ELECTRICO INC	7706 WAGNER RD		MILLSTADT	IL	62260-2910
ELECTRICOMM INC	PO BOX 8324		TOPEKA	KS	66608-0324

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ELECTROMAGNETIC SHIELDING INC.	115 JULIAD CT STE 103		FREDERICKSBURG	VA	22406-1100
ELEVATOR SAFETY INSPECTION SERVICES INC	415 N MCKINLEY ST STE 685		LITTLE ROCK	AR	72205-3010
ELLIOTT ELECTRICAL INC	22095 INTERSTATE 30 S		BRYANT	AR	72022-8581
ELLSWORTH ELECTRIC INC	4425 N HIGHWAY 81		DUNCAN	OK	73533-8950
EMBREE CONSTRUCTION GROUP INC OF TEXAS	4747 WILLIAMS DR		GEORGETOWN	TX	78633-3799
EMCO CHEMICAL DISTRIBUTORS INC	8601 95TH ST		PLEASANT PR	WI	53158-2205
EMERALD TRANSFORMER PPM LLC	PO BOX 3070		MCKINNEY	TX	75070-8182
EMJ CORPORATION	2034 HAMILTON PLACE BLVD STE 400		CHATTANOOGA	TN	37421-6102
EMPIRE AG LLC	306 SW DRIFTWOOD DR		ANKENY	IA	50023-4407
ENCOMPASS IDBO LLC	10551 BARKLEY ST STE 502		OVERLAND PARK	KS	66212-1820
ENERGY ERECTORS INC	31588 PROGRESS RD		LEESBURG	FL	34748-8781
ENGINEERED FLUID INC	PO BOX 723		CENTRALIA	IL	62801-9111
ENGLEWOOD CONSTRUCTION INC	80 MAIN ST		LEMONT	IL	60439-3622
ENVIROCON INC	PO BOX 16655		MISSOULA	MT	59808-6655
ENVIRONMENTAL FABRICS INC	85 PASCON CT		GASTON	SC	29053-8507
EPCS COMPANY	1241 S 31ST ST W		BILLINGS	MT	59102-7314
EPOXY KC LLC	PO BOX 861253		SHAWNEE	KS	66286-1253
ERLINGER CONSTRUCTION CO INC	2502 S BELT W		BELLEVILLE	IL	62226-6796

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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
ERV SMITH SERVICES INC	1225 TRUAX BLVD		EAU CLAIRE	WI	54703-1468
ESSI LLC	1400 W SHADY GROVE RD		GRAND PRAIRIE	TX	75050-7117
EVCO NATIONAL	PO BOX 407		EAST ALTON	IL	62024-0407
EVERGREEN CAISSONS INC.	PO BOX 172109		DENVER	CO	80217-2109
F & M CONTRACTORS INC	PO BOX 149		CLAYTON	OH	45315-0149
F L CRANE & SONS INC	PO BOX 428		FULTON	MS	38843-0428
FAHRNER ASPHALT SEALERS L.L.C.	2800 MECCA DR		PLOVER	WI	54467-3224
FALL ZONE CONSTRUCTION LLC	18601 GREENE ST		WASHINGTON	NE	68068-4000
FARABEE MECHANICAL INC	PO BOX 1748		HICKMAN	NE	68372-1748
FAUGHN ELECTRIC INC	5980 OLD MAYFIELD RD		PADUCAH	KY	42003-9296
FCL BUILDERS LLC	1150 Spring Lake Dr		Itasca	IL	60143-2066
FEDERAL FIRE AND SECURITY LLC	PO BOX 1782		OWENSBORO	KY	42302-1782
FEDERAL STEEL & ERECTION CO	PO BOX 238		EAST ALTON	IL	62024-0238
FICKETT STRUCTURAL SOLUTIONS INC	3148 DEMING WAY STE 160		MIDDLETON	WI	53562-1486
FIRE & SECURITY SOLUTIONS GROUP INC	11240 STRANG LINE RD		LENEXA	KS	66215-4039
FIRELAKE CONSTRUCTION INC	1011 E 31ST ST		LAWRENCE	KS	66046-5103
FIRELINE SPRINKLER LLC	1329 W GRAND AVE STE 1A		PORT WASHINGTON	WI	53074-2010
FIRST DRILLING LLC	2990 N TOWNSEND AVE		MONTROSE	CO	81401-6018

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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
FISHER SMITH INC	1564 HILL TOP RD		COLUMBIA	IL	62236-4536
FLAME ON INC	12632 WAGNER RD		MONROE	WA	98272-9732
FLEETWOOD SERVICES LLC	4311 WILLOW ST		DALLAS	TX	75226-1131
FLORIDA INSTITUTE OF TECHNOLOGY INC	150 W UNIVERSITY BLVD		MELBOURNE	FL	32901-6975
FORD AUDIO VIDEO SYSTEMS LLC	4800 W I 40 SERVICE RD		OKLAHOMA CITY	OK	73128-1208
FORT SMITH STRUCTURAL INC	PO BOX 180249		FORT SMITH	AR	72918-0249
FOSTER ROOFING INC	3357 WAGON WHEEL RD		SPRINGDALE	AR	72762-0106
FOUNDATION SERVICE CORP	PO BOX 120		HUDSON	IA	50643-0120
FRANCE MECHANICAL CORP	PO BOX 646		EDWARDSVILLE	IL	62025-0646
FRANCIS ENERGY LLC	1924 E 6TH ST		TULSA	OK	74104-3242
FRANK W SCHAEFER INC	1300 GRANGE HALL RD		BEAVERCREEK	OH	45430-1013
FREEDOM CONCRETE LLC	PO BOX 731		DE SOTO	KS	66018-0731
FREEDOM FIRE PRO LLC	811 LESTER LN		ROGERS	AR	72756-9814
FREYALDENHOVEN MECHANICAL INC	1101 FRONT ST		CONWAY	AR	72032-4307
FRONTIER AG INC	PO BOX 998		GOODLAND	KS	67735-0998
FRONTIER BUILDING CORP	2950 SW 27TH AVE STE 300		MIAMI	FL	33133-3765
FRONTIER MECHANICAL LC	PO BOX 71487		SALT LAKE CTY	UT	84171-0487
FRONTZ DRILLING INC	2031 MILLERSBURG RD		WOOSTER	OH	44691-9460
FSG FACILITY SOLUTIONS GROUP INC	4401 W GATE BLVD STE 310		AUSTIN	TX	78745-1494

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FULCRUM EXPRESS INC	1945 THE EXCHANGE SE STE 400		ATLANTA	GA	30339-2090
FULSOM BROTHERS INC	PO BOX 522		CEDAR VALE	KS	67024-0522
FULTON TECHNOLOGIES INC	1430 BRADLEY LN STE 196		CARROLLTON	TX	75007-4952
FUSION PROS LLC	24434 240TH ST		SLEEPY EYE	MN	56085-5056
G & L TANK SANDBLASTING AND COATINGS LLC	2101 HIGHWAY 64 W		SHELBYVILLE	TN	37160-6328
G B CONSTRUCTION LLC	PO BOX 1305		LOUISBURG	KS	66053-1305
G.A. RICH & SONS INC	PO BOX 50		DEER CREEK	IL	61733-0050
G4CM LLC	12903 PIONEER TRL		EDEN PRAIRIE	MN	55347-4112
GALA SYSTEMS INC	3185 FIRST STREET		ST HUBERT CANADA	QC	J3Y 8Y6
GALLAGHER ASPHALT CORPORATION	18100 INDIANA AVE		THORNTON	IL	60476-1276
GARRISON PLUMBING INC	15430 S MAHAFFIE ST		OLATHE	KS	66062-2755
GATOR SIGN COMPANY INC	1027 KAREY ANDREWS RD		MCCOMB	MS	39648-9446
GAYLOR ELECTRIC INC	5750 CASTLE CREEK PARKWAY NORTH DR STE 400		INDIANAPOLIS	IN	46250-4337
GELLY EXCAVATING & CONSTRUCTION INC	13297 PLOCHER WAY		HIGHLAND	IL	62249-4543
GEMCO CONSTRUCTORS LLC	6525 GUION RD		INDIANAPOLIS	IN	46268-4808
GEOSTABILIZATION INTERNATIONAL LLC	4475 E 74TH AVE STE A		COMMERCE CITY	CO	80022-1494
GERALD N CANDITO CONSTRUCTION CORP	3580 CANTRELL INDUSTRIAL CT NW		ACWORTH	GA	30101-6401
GERARD TANK & STEEL INC	PO BOX 513		CONCORDIA	KS	66901-0513



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GERARDO OLAGUE-MARTINEZ	2241 S TERRACE DR		WICHITA	KS	67218-5027
GIBALTAR CONSTRUCTION COMPANY INC	42 HUDSON ST STE A207		ANNAPOLIS	MD	21401-8537
GIBSON TECHNICAL SERVICES INC	230 MOUNTAIN BROOK CT		CANTON	GA	30115-9019
GIFFIN INC	1900 BROWN RD		AUBURN HILLS	MI	48326-1701
GLASS DESIGN INC	PO BOX 568		SAPULPA	OK	74067-0568
GLEESON ASPHALT INC	2800 W MAIN ST		BELLEVILLE	IL	62226-6612
GLOBAL EMPIRE LLC	115 OVERLOOK RD		POMONA	NY	10970-2118
GLOBAL SCAFFOLDING & INSULATION LLC	14115 E APACHE ST		TULSA	OK	74116-1410
GOETTLE EQUIPMENT COMPANY	12071 HAMILTON AVE		CINCINNATI	OH	45231-1032
GOLDEN SANDS GENERAL CONTRACTORS INC	800 S DOUGLAS RD		CORAL GABLES	FL	33134-3125
GOODART CONSTRUCTION INC	26685 WAVERLY RD		PAOLA	KS	66071-4135
GOOLSBY INC	3002 W MAIN ST		BLYTHEVILLE	AR	72315-8600
GORDON ENERGY AND DRAINAGE COMPANY	15735 S MAHAFFIE ST		OLATHE	KS	66062-4038
GRANITE TRANSFORMATIONS	14125 MARSHALL DR		LENEXA	KS	66215-1300
GREAT PLAINS STRUCTURES LLC	3301 LABORE RD		SAINT PAUL	MN	55110-5149
GREAT WESTERN BUILDERS INC	PO BOX 1717		COLLIERVILLE	TN	38027-1717
GREYTHON CONSTRUCTION LLC	31 WATER ST		MYSTIC	CT	06355-2568

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GRIFFIN CONTRACT DEWATERING LLC	5306 CLINTON DR		HOUSTON	TX	77020-7912
GROOM CONSTRUCTION CO INC	96 SWAMPSCOTT RD		SALEM	MA	01970-1795
GUS CONST CO INC	PO BOX 77		CASEY	IA	50048-0077
GUSTAFSON & GOUDGE INC	PO BOX 28		CLEARBROOK	MN	56634-0028
GUY ROOFING INC	201 JONES RD		SPARTANBURG	SC	29307-5424
GYPSUM FLOORS OF AR OK INC	PO BOX 1707		MULDROW	OK	74948-1707
H & D UNDERGROUND INC	24434 240TH ST		SLEEPY EYE	MN	56085-5056
H & H SYSTEMS & DESIGN INC	135 W MARKET ST		NEW ALBANY	IN	47150-3561
H & M INDUSTRIAL SERVICES INC	PO BOX 200		JACKSON	TN	38302-0200
H AND M CONSTRUCTION CO INC	PO BOX 200		JACKSON	TN	38302-0200
HABASIT AMERICA INC	2670 LEISCZS BRIDGE RD UNIT 200		LEESPORT	PA	19533-9433
HABCO INC	248 E BERG RD		SALINA	KS	67401-8907
HALEY CONSTRUCTION INC	9 AVIATOR WAY		ORMOND BEACH	FL	32174-2983
HALL CONTRACTING OF KENTUCKY INC	PO BOX 37270		LOUISVILLE	KY	40233-7270
HAMON CUSTODIS INC	PO BOX 1500		SOMERVILLE	NJ	08876-1251
HANNA DESIGN GROUP INC	650 E ALGONQUIN RD STE 405		SCHAUMBURG	IL	60173-3853
HANSEN RICE INC	1717 E CHISHOLM DR		NAMPA	ID	83687-6846
HARBOUR CONSTRUCTION INC	2717 S 88TH ST		KANSAS CITY	KS	66111-1757

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### Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
HARCO SERVICES LLC	PO BOX 2347		KENNESAW	GA	30156-9105
HAROLD COFFEY CONSTRUCTION CO INC	P.O. BOX 300		HICKMAN	KY	42050
HARVEY NASH INC	1700 STATE ROUTE 23 STE 100		WAYNE	NJ	07470-7529
HASTCO INC	2801 NW BUTTON RD		TOPEKA	KS	66618-1457
HAWKEYE INSULATION SPECIALISTS INC	755 64TH AVENUE CT SW STE A		CEDAR RAPIDS	IA	52404-7001
HD PAINTING AND STAIN LLC	1201 STATE STREET RD		BELLEVILLE	IL	62220-2855
HEADWATERS CONSTRUCTION COMPANY	639 W 9500 S STE 1		VICTOR	ID	83455-5408
HEALY CONSTRUCTION SERVICES INC	14000 KEELER AVE		CRESTWOOD	IL	60418-2352
HEARTLAND ACCESS SOLUTIONS LLC	8924 NIEMAN RD		OVERLAND PARK	KS	66214-1747
HEIDELBERG ENGINEERING INC	10 FORGE PKWY STE 1		FRANKLIN	MA	02038-3137
HEINEN CUSTOM OPERATIONS INC	PO BOX 182		VALLEY FALLS	KS	66088-0182
HEINTZ POOL & SPA COMPANY	453 MARKETPLACE DR		FREEBURG	IL	62243-4076
HICKEY CONTRACTING COMPANY	PO BOX 68		KEOKUK	IA	52632-0068
HIGH CONCRETE GROUP LLC	PO BOX 10008		LANCASTER	PA	17605-0008
HIGHLAND STEEL ERECTORS INC	PO BOX 590		HELENWOOD	TN	37755-0590
HIGHWAY SIGNING INC	3250 16TH AVE		COUNCIL BLUFFS	IA	51501-7039

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HILLARD ELECTRIC INC	4099 CEDAR COMMERCIAL DR NE		CEDAR SPRINGS	MI	49319-8296
HOFFMANN SILO CORPORATION	6001 49TH ST S		MUSCATINE	IA	52761-1153
HOHL INDUSTRIAL SERVICES INC	770 RIVERVIEW BLVD		TONAWANDA	NY	14150-7880
HOLLAND CONSTRUCTION SERVICES INC.	4495 N ILLINOIS ST STE E		SWANSEA	IL	62226-1005
HOME CENTER CONSTRUCTION INC	420 W ATKINSON RD		PITTSBURG	KS	66762-8634
HOPCO CONSTRUCTION	PO BOX 9008		OMAHA	NE	68109-0008
HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN		FT WORTH	TX	76116-6444
HORIZONTAL BORING & TUNNELING CO	PO BOX 429		EXETER	NE	68351-0429
HOWARD IMMEL INC	1820 RADISSON ST		GREEN BAY	WI	54302-2057
HUEGERICH CONSTRUCTION INC	PO BOX 891		GRETNA	NE	68028-0891
HUTTON CONTRACTING CO INC	1600 CLIFTY HWY		HINDSVILLE	AR	72738-9167
HYDRA-LUBE	PO BOX 16565		LAKE CHARLES	LA	70616-6565
HYDRO TECHNOLOGIES INC	6200 E HIGHWAY 62 UNIT 100		JEFFERSONVILLE	IN	47130-8769
HYDROCHEM LLC	900 GEORGIA AVE		DEER PARK	TX	77536-2518
ICON INDUSTRIAL SERVICES LLC	5104 J ST SW		CEDAR RAPIDS	IA	52404-4919
IDEAL BUILDING SOLUTIONS LLC	6753 Jones Mill Ct Ste F		Norcross	GA	30092-4379

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IDEAL BUSINESS SOLUTIONS LLC	31 BOLAND CT		GREENVILLE	SC	29615-5730
IES COMMUNICATIONS LLC	5433 WESTHEIMER RD STE 500		HOUSTON	TX	77056-5339
ILLINI DRILLED FOUNDATIONS INC	PO BOX 1351		DANVILLE	IL	61834-1351
IMPACT INSTALLATIONS INC	10091 STREETER RD STE 7		AUBURN	CA	95602-8512
IMPERIAL CRANE SERVICES INC	7500 IMPERIAL DR		BRIDGEVIEW	IL	60455-2395
IMPERIAL ROOF SYSTEMS CO	PO BOX 522		WEST UNION	IA	52175-0522
INDUSTRIAL INSULATION SERVICES INC	2200 W 6TH AVE		EL DORADO	KS	67042-3166
INDUSTRIAL MAINTENANCE OF TOPEKA INC	4501 NW US HIGHWAY 24		TOPEKA	KS	66618-3809
INDUSTRIAL PLANT SERVICES NATIONAL LLC	51410 MILANO DR STE 110		MACOMB	MI	48042-4015
INDUSTRIAL ROOFING & CONSTRUCTION LLC	1128 HIGHWAY 2		STERLINGTON	LA	71280-3066
INDUSTRIAL STEEL ERECTORS INC	2728 N CLARK ST		DAVENPORT	IA	52804-1300
INDUSTRY SERVICES CO INC	6265 RANGELINE RD		THEODORE	AL	36582-5245
INGRAM CONSTRUCTION COMPANY INC OF MADISON MISSISS	PO BOX 1609		MADISON	MS	39130-1609
INNOVATIVE COMBUSTION TECHNOLOGIES INC	10 COMMERCE DR		PELHAM	AL	35124-1847
INNOVATIVE CONSTRUCTION SOLUTIONS INC	21675 GATEWAY RD		BROOKFIELD	WI	53045-5137

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INNOVATIVE INSTALLATION SERVICES INC	6320 W BRUNS ROAD		MONEE	MO	60401
INSULATION TECHNOLOGIES INC	2007 BUTTON LN		LA GRANGE	KY	40031-8726
INTEGRATED ENVIRONMENTAL SERVICES INC	PO BOX 490815		BLAINE	MN	55449-0815
INTERCON CONSTRUCTION INC	5512 STATE ROAD 19 AND 113		WAUNAKEE	WI	53597-9530
INTERNATIONAL CONTRACTORS INC	977 S IL ROUTE 83		ELMHURST	IL	60126-4966
INTERNATIONAL RIGGING GROUP LLC	955 E MLK JR DR # E		TARPON SPRINGS	FL	34689
INTERNATIONAL STRAIGHTENING INC	1218 HORSEMAN PL		BISMARCK	ND	58501-7789
INTERNATIONAL TOWERS LLC	117 S LEXINGTON ST # 100		HARRISONVILLE	MO	64701-2444
INTERSTATE GRINDING LLC	5505 E EL DELMO ST		GARDEN CITY	KS	67846-9632
INTERSTATE RESTORATION MISSOURI LLC	3401 QUORUM DR STE 300		FORT WORTH	TX	76137-3621
INTEX CONSTRUCTION LLC	3802 N 135TH ST W		MAIZE	KS	67101-9535
IOWA CIVIL CONTRACTING INC	1106 3RD ST		VICTOR	IA	52347-7722
IOWA TRENCHLESS LC	PO BOX 846		PANORA	IA	50216-0846
IVS HYDRO INC	PO BOX 245		WAVERLY	WV	26184-0245
J & D CONSTRUCTION INC	PO BOX 446		MONTEVIDEO	MN	56265-0446
J HAWK PLUMBING INC	3615 W MAPLE ST		WICHITA	KS	67213-2453
J WILKINSON INC	2964 PETTICOAT JUNCTION LN		GLEN CARBON	IL	62034-3265

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J4 DEVELOPMENT LP	1700 JAY ELL DR STE 100		RICHARDSON	TX	75081-1601
JA WEVER CONSTRUCTION LLC	PO BOX 1802		NORTH PLATTE	NE	69103-1802
JACK A FARRIOR INC	9585 US 264A		FARMVILLE	NC	27828-9548
JACK R GAGE REFRIGERATION INC	700 W 1700 S BLDG 29104		LOGAN	UT	84321-6541
JACKOVIC CONSTRUCTION COMPANY LLC	300 MOUNT LEBANON BLVD STE 211A		PITTSBURGH	PA	15234-1534
JACKSON DEAN CONSTRUCTION INC	19835 SE 248TH ST		MAPLE VALLEY	WA	98038-8769
JACOBS GROUP GENERAL CONTRACTORS INC	3515 MATTINGLY RD		BUCKNER	KY	40010-8801
JACOBS LADDER INC	2325 COBDEN SCHOOL RD		COBDEN	IL	62920-3489
JAG BUILDING GROUP INC	5227 SW 27TH PL		CAPE CORAL	FL	33914-6639
JAKES ELECTRIC LLC	207 ALLEN ST		CLINTON	WI	53525-9498
JAMES AGRESTA CARPENTRY	150 ENGLISH ST		HACKENSACK	NJ	07601-3937
JAMES HUNT CONSTRUCTION CO INC	1865 SUMMIT RD		CINCINNATI	OH	45237-2803
JAMES N GRAY CONSTRUCTION CO INC	PO BOX 8330		LEXINGTON	KY	40533-8330
JANET MARSHALL CONSTRUCTION INC	10245 LOCUST MOUNTAIN RD		MOUNTAINBURG	AR	72946-3308
JANSEN ELECTRIC COMPANY	4421 N 60TH ST		QUINCY	IL	62305-0640
JARRETT INDUSTRIES INC	PO BOX 87189		SOUTH ROXANA	IL	62087-7189
JASON TANKING CONSTRUCTION LLC	PO BOX 3969		LAWRENCE	KS	66046-0969

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JAYEFF CONSTRUCTION CORPORATION	1800 STATE ROUTE 34 STE 403		WALL TOWNSHIP	NJ	07719-9167
JB HOLLAND CONSTRUCTION INC.	2092 HWY 9 W		DECORAH	IA	52101
JC TOLAND PAINTING L.L.C.	397 NW 43RD PL		DES MOINES	IA	50313-2733
JE SYSTEMS INC	PO BOX 6246		FORT SMITH	AR	72906-6246
JED INSTALLATION LLC	2722 N 155TH ST		BASEHOR	KS	66007-9253
JESCO INC	2020 MCCULLOUGH BLVD		TUPELO	MS	38801-7108
JETTON GENERAL CONTRACTING INC	215 UNION ST # 400		JONESBORO	AR	72401-2814
JETT'S MECHANICAL LLC	913 PARK AVE		PADUCAH	KY	42001-7056
JF BRENNAN COMPANY INC	PO BOX 2557		LA CROSSE	WI	54602-2557
JIM RIVER FENCING LLC	45275 299TH ST		IRENE	SD	57037-6002
JM SERVICES INC	5610 INTERSTATE AVE		BILLINGS	MT	59101-6318
JOE R JONES CONSTRUCTION INC	PO BOX 873		WEATHERFORD	TX	76086-0873
JOHN A PAPALAS & CO INC	1187 EMPIRE AVE		LINCOLN PARK	MI	48146-2099
JOHN E GREEN COMPANY	220 VICTOR ST		HIGHLAND PARK	MI	48203-3116
JOHN P DUFFY CONSTRUCTION COMPANY INC	13220 METCALF AVE STE 365		OVERLAND PARK	KS	66213-2844
JOHN R LOGAN ENTERPRISES INC	11550 S MAIN ST		TRENTON	GA	30752-2833
JOHNSONS BUILDERS	1455 HODGES FERRY RD		DOYLE	TN	38559-3001
JOLLY ROOFING AND CONTRACTING CO INC	711 CHANEY CV		COLLIERVILLE	TN	38017-2993
JRCT INCORPORATED	2098 TOM AUSTIN HWY		GREENBRIER	TN	37073-5192



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JT BUILD LLC	102 MILLERSBURG RD		POCAHONTAS	IL	62275
JUN CONSTRUCTION CO. INC.	PO BOX 263		GODFREY	IL	62035-0263
JVR CONSTRUCTION COMPANY INC	4700 E 53RD ST		DAVENPORT	IA	52807-3479
KADILEX CONSTRUCTION INC	PO BOX 348		WOOD RIVER	IL	62095-0348
KAISER ELECTRICAL CONTRACTORS INC	340 ERIE AVE		MORTON	IL	61550-9600
KALMAN FLOOR COMPANY	1680 E 69TH AVE		DENVER	CO	80229-7327
KAMADULSKI EXCAVATING & GRADING CO INC	4336 HIGHWAY 162		GRANITE CITY	IL	62040-6409
KANE FIRE PROTECTION INC	170 E ALTON AVE		EAST ALTON	IL	62024-1443
KANSAS DUSTROL INC	PO BOX 308		TOWANDA	KS	67144-0308
KANSAS TURF LLC	601 E WYANDOTTE ST		MERIDEN	KS	66512-9169
KANTEX INDUSTRIES INC	1320 S HAMILTON CIR		OLATHE	KS	66061-7241
KARR TUCKPOINTING LLC	PO BOX 417		VINTON	IA	52349-0417
KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD		SAVANNA	IL	61074-8636
KBS CONSTRUCTORS INC	1701 SW 41ST ST		TOPEKA	KS	66609-1252
KC ELECTRICAL CONTRACTORS LLC	7312 LEISURELY DR		EFFINGHAM	KS	66023-5041
KEA CONSTRUCTORS LLC	PO BOX M		MILFORD	NE	68405-0623
KEELEY & SONS INC	6303 COLLINSVILLE RD		E SAINT LOUIS	IL	62201-2523
KEEN COMPANY INC	PO BOX 2143		INDIANAPOLIS	IN	46206-2143
KEN CRANE	311 E BOOTH ST		TAMPICO	IL	61283-7793

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KENDALL CONSTRUCTION INC	2551 NW BUTTON RD		TOPEKA	KS	66618-1411
KENDREK ELECTRIC INC	PO BOX 9411		WICHITA	KS	67277-0411
KING MECHANICAL CONTRACTORS INC	PO BOX 16608		CHATTANOOGA	TN	37416-0608
KING OF TEXAS ROOFING COMPANY LP	307 GILBERT CIR		GRAND PRAIRIE	TX	75050-6579
KINLEY CONSTRUCTION GROUP LP	7301 COMMERCIAL BLVD E		ARLINGTON	TX	76001-7149
KINZLER CONSTRUCTION SERVICES INC	700 SE ORALABOR RD		ANKENY	IA	50021-5616
KIRK CONCRETE CONSTRUCTION INC	640 CENTRAL EXPY		MELISSA	TX	75454-2230
KIRK GROSS COMPANY	PO BOX 2097		WATERLOO	IA	50704-2097
KLAVER CONSTRUCTION COMPANY INC	PO BOX 9163		WICHITA	KS	67277-0163
KNUTSON BROTHERS INC	PO BOX 353		REDWOOD FALLS	MN	56283-0353
KOOPS INC	987 PRODUCTIONS CT		HOLLAND	MI	49423-9219
KORTE & LUITJOHAN CONTRACTORS INC	12052 HIGHLAND RD		HIGHLAND	IL	62249-1342
KOSS CONSTRUCTION COMPANY	5830 SW DRURY LN		TOPEKA	KS	66604-2262
KOVILIC CONSTRUCTION COMPANY INC.	PO BOX 939		FRANKLIN PARK	IL	60131-0939
KRAEMER NORTH AMERICA LLC	PO BOX 220		PLAIN	WI	53577-0220
KRIEWALD ENTERPRISES LLC	1310 COLUMBUS ST		OTTAWA	MO	63135
KRUSE CONTRACTING INC	4374 G RD		WATERLOO	IL	62298-3806

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KRUSE CORPORATION	8971 GREEN VALLEY DR UNIT 1		MANHATTAN	KS	66502-9008
KRYSTAL COMPANIES LLC	6830 W 152ND TER		OVERLAND PARK	KS	66223-3127
KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD DR # 100		MENOMONEE FLS	WI	53051-5656
KVK CONTRACTING INC	727 WESLEY AVE STE 1		TARPON SPGS	FL	34689-6757
L6 INC	PO BOX 1957		BROKEN ARROW	OK	74013-1957
LA MACCHIA GROUP LLC	157 N MILWAUKEE ST		MILWAUKEE	WI	53202-6012
LAForge & BUDD CONSTRUCTION COMPANY INC	PO BOX 833		PARSONS	KS	67357-0833
LAKEVIEW CONSTRUCTION LLC	10505 CORPORATE DR STE 200		PLEASANT PRAIRIE	WI	53158-1605
LAND ART LANDSCAPING INC	12429 HOWE DR		LEAWOOD	KS	66209-1451
LANGHAUSER SHEET METAL CO	120 MATTER DR		HIGHLAND	IL	62249-1271
LANHAM INSULATION INC	40 KINGBROOK PKWY STE 4		SIMPSONVILLE	KY	40067
LARSON HARVESTING INC	447 SUNFLOWER RD		WATERVILLE	KS	66548-8904
LATSHAW DRILLING COMPANY LLC	PO BOX 691017		TULSA	OK	74169-1017
LAVENDER INC.	1056 INDUSTRIAL DR	PO BOX 441	ALICEVILLE	AL	35442-2654
LAVORO SERVICES CORP	4415 HARRISON ST STE 402		HILLSIDE	IL	60162-1906
LEE MACHINERY MOVERS INC.	675 CESAR E CHAVEZ AVE		PONTIAC	MI	48340-2459
LEICK CONSTRUCTION INC	22027 221ST ST		GLENWOOD	IA	51534-5389
LEJAS CORPORATION	6202 S MAPLE AVE		TEMPE	AZ	85283-2861

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LEROY C BOWMAN	308 FAWN PARK CIR		COUNCIL BLFS	IA	51503-5465
LEXICON INC	PO BOX 16390		LITTLE ROCK	AR	72231-6390
LIGHTNING FOUNDATIONS INC	1209 COUNTY HIGHWAY J23		CLEARFIELD	IA	50840-8814
LIGHTNING PROTECTION SYSTEMS LLC	PO BOX 540445E		N SALT LAKE	UT	84054-0445
LILJA CORP	229 RICKENBACKER CIR		LIVERMORE	CA	94551-7616
LOCKE AMI LLC	8802 N MERIDIAN ST		INDIANAPOLIS	IN	46260-5380
LOELLKE PLUMBING INC	22974 E COUNTY RD		JERSEYVILLE	IL	62052-3174
LOGAN & COMPANY INC	816 E 10TH ST		COFFEYVILLE	KS	67337-7300
LONE STAR RAILROAD CONTRACTORS INC	PO BOX 1150		ENNIS	TX	75120-1150
LONGS DRILLING SERVICE INC	10554 HIGHWAY 392 W		HARRISON	AR	72601-7771
LOTEMP EQUIPMENT COMPANY	8707 N 29TH ST		OMAHA	NE	68112-1848
LOUISIANA CHEMICAL DISMANTLING CO INC	24 27TH ST		KENNER	LA	70062-4904
LOYD BUILDERS INC	PO BOX 266		OTTAWA	KS	66067-0266
LR MOURNING CO	2230 COTTONDALE LN STE 5		LITTLE ROCK	AR	72202-2048
LSX CONSTRUCTION LLC	34605 W 255TH ST		PAOLA	KS	66071-4213
LYNN ELECTRIC & COMMUNICATIONS INC.	725 N 2ND ST STE K		LAWRENCE	KS	66044-1442
M & J ELECTRIC OF WICHITA LLC	1444 S SAINT CLAIR AVE BLDG D		WICHITA	KS	67213-2938
M & L ELECTRICAL INC	6060 SCOTTSVILLE RD		BOWLING GREEN	KY	42104-0388
M & W CONTRACTORS INC	PO BOX 2510		EAST PEORIA	IL	61611-0510

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MAC INDUSTRIAL SERVICES INC.	604 N MAIN ST	STE 1	ROCHELLE	IL	61068
MACHINE REPAIR INTERNATIONAL	1300 OLIVER RD STE 240		FAIRFIELD	CA	94534-3428
MAGNUM ELECTRIC OF MISSOURI INC	471 CHRISTIANSON DR		WEST FARGO	ND	58078-8304
MAHANEY GROUP INC	2822 N MEAD ST		WICHITA	KS	67219-4241
MAJOR REFRIGERATION CO INC	314 W NORTHWESTERN AVE		NORFOLK	NE	68701-6404
MALCOLM DRILLING COMPANY INC	92 NATOMA ST STE 400		SAN FRANCISCO	CA	94105-2685
MANAGEMENT RESOURCE SYSTEMS INC	1907 BAKER RD		HIGH POINT	NC	27263-2007
MANATTS INC	PO BOX 535		BROOKLYN	IA	52211-0535
MAR LAN CONSTRUCTION LC	1008 NEW HAMPSHIRE ST		LAWRENCE	KS	66044-3060
MARC JONES CONSTRUCTION LLC	22171 MCH RD		MANDEVILLE	LA	70471-7774
MASONS LANDSCAPING & CONSTRUCTION SERVICES INC	1716 TUDOR AVE		E SAINT LOUIS	IL	62207-2120
MATHIS EXCAVATING INC	527 QUILLMAN RD		DU QUOIN	IL	62832-4102
MATTCON GENERAL CONTRACTORS INC	PO BOX 98		ZIONSVILLE	IN	46077-0098
MAX TRUE FIREPROOFING CO	PO BOX 1029		JENKS	OK	74037-1029
MC ELECTRIC INC	7648 LL RD		RED BUD	IL	62278-2522
MCAFEЕ HENDERSON SOLUTIONS INC	PO BOX 397		OSKALOOSA	KS	66066-0397

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McFARLAND INDOOR COMFORT SERVICES	4008 BRADEN AVE		GRANITE CITY	IL	62040-2201
MC SHANE CONSTRUCTION COMPANY LLC	9550 W HIGGINS RD STE 200		ROSEMONT	IL	60018-4906
ME MECHANICAL INC	2501 ELLINGTON RD		QUINCY	IL	62305-8828
MECHANICAL CONSTRUCTION SERVICES INC	PO BOX 335		NEWARK	AR	72562-0335
MEYER CONTRACTING AND CONSTRUCTION INC	11000 93RD AVE N		MAPLE GROVE	MN	55369-4113
MEYLAN INDUSTRIAL SERVICES INC	3919 S 147TH ST STE 124		OMAHA	NE	68144-5579
MICHAEL R STENZEL	3132 305TH AVE		HAMBURG	IA	51640-4011
MICHIGAN COMMERCIAL CONTRACTORS INC	16745 COMSTOCK ST		GRAND HAVEN	MI	49417-7949
MID AMERICA MILLING COMPANY LLC	6200 E HIGHWAY 62 UNIT 100		JEFFERSONVILLE	IN	47130-8769
MID AMERICA PIPELINE CONSTRUCTION INC	PO BOX 1830		CATOOSA	OK	74015-1830
MID SOUTH INDUSTRIAL INC	PO BOX 609		BELLS	TN	38006-0609
MID STATES INDUSTRIAL INC	519 SHIPYARD RD		SENECA	IL	61360-9203
MIDDENDORF AND REUSS CONSTRUCTION INC	800 S BREEZE STREET STE 1		MILLSTADT	IL	62260
MIDLAND RESTORATION COMPANY INC	PO BOX 247		FORT SCOTT	KS	66701-0247
MIDWEST COATING INC	3830 NW 16TH ST		TOPEKA	KS	66618-2846
MIDWEST CONSTRUCTION PARTNERS INC	1300 E WOODFIELD RD STE 150		SCHAUMBURG	IL	60173-4928

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MIDWEST COOLING TOWERS INC	1156 E HIGHWAY 19		CHICKASHA	OK	73018-6347
MIDWEST CUSTOM POOLS LLC	600 LINCOLN ST		LAWRENCE	KS	66044-5349
MIDWEST LIQUID SYSTEMS INC	1414 21ST AVE	PO BOX 71	ELDORA	IA	50627-1914
MIDWEST MECHANICAL INDUSTRIAL SERVICES	PO BOX 164		LOGAN	IA	51546-0164
MIDWEST MOLE INC	6814 W 350 N		GREENFIELD	IN	46140-9617
MIDWEST MOWING INC	2450 OWENS LN		BRIGHTON	IL	62012-1550
MILESTONE CONSTRUCTION CO LLC	2002 S 48TH ST		SPRINGDALE	AR	72762-5772
MILLER ELECTRICAL CONTRACTING INC	3932 POST OAK RD		SALEM	IL	62881-6644
MILLS UTILITY CONSTRUCTION OF MS INC	714 HIGHWAY 334		OXFORD	MS	38655-9457
MINNESOTA LIMITED LLC	PO BOX 410		BIG LAKE	MN	55309-0410
MIRA ENTERPRISES	9500 IH 20		EASTLAND	TX	76448-5739
MIRON CONSTRUCTION CO INC	PO BOX 509		NEENAH	WI	54957-0509
MISSION MASONRY	7737 MISSION RD		PRAIRIE VLG	KS	66208-4231
MIXER SYSTEMS INC	PO BOX 10		PEWAUKEE	WI	53072-0010
MJ PAINTING CONTRACTOR CORP	291 HOMER ST		OLEAN	NY	14760-1131
MJM SERVICES CONSTRUCTION INC	PO BOX 24006		BELLEVILLE	IL	62223-9006
ML GRAY PARTNERSHIP LLC	1811 GREENVILLE AVE STE 150		DALLAS	TX	75206-6867

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## Missouri Department of Revenue

## Taxation Division

## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
MOCA LOGISTICS AND INDUSTRIAL SOLUTIONS LLC	3800 SAINT ELMO AVE STE 306		CHATTANOOGA	TN	37409-1273
MODIFIED CONCRETE SUPPLIES LLC	6200 E HIGHWAY 62 BLDG 2501		JEFFERSONVILLE	IN	47130-8769
MOLIN CONCRETE PRODUCTS CO INC	415 LILAC ST		LINO LAKES	MN	55014-1098
MOLLERS NORTH AMERICA INC	PO BOX 888820		GRAND RAPIDS	MI	49588-8820
MONARCH BUILD LLC	8100 NEWTON ST STE 300		OVERLAND PARK	KS	66204-3669
MORRISON BROS CONSTRUCTION COMPANY	2134 N 81ST ST		CASEYVILLE	IL	62232-1604
MORRISSEY CONTRACTING COMPANY INC	PO BOX 67		GODFREY	IL	62035-0067
MOSS ROOFING & INSULATION INC	310 HIGHWAY 150 S		WEST UNION	IA	52175-1505
MOTT ELECTRIC LLC	PO BOX 322		PADUCAH	KY	42002-0322
MOUNT FARM DRAINAGE LLC	3313 260TH ST		RIVERTON	IA	51650-6002
MOUNTAIN LOG & TIMBER CONSTRUCTION INC	1344 US HIGHWAY 93 N		VICTOR	MT	59875-9769
MTD ELECTRIC LLC	22004 S WAVERLY RD		SPRING HILL	KS	66083-4548
MTT CO	PO BOX 161		DENISON	IA	51442-0161
MUELLER CONTRACTING LLC	2924 MAUS RD		FULTS	IL	62244-1506
MULTATECH ENGINEERING INC	2821 W 7TH ST STE 400		FORT WORTH	TX	76107-8913
MUNICIPAL PIPE SERVICES INC	1550 NE 51ST AVE		DES MOINES	IA	50313-2123



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MUNICIPAL PIPE TOOL COMPANY LLC	515 5TH ST		HUDSON	IA	50643-7773
MURPHREE FAMILY INVESTMENTS	PO BOX 2094		BATESVILLE	AR	72503-2094
MYLES LORENTZ INC	48822 OLD RIVER BLUFF RD		SAINT PETER	MN	56082-5059
NASHVILLE FABRICATION LLC	2039 HIGHWAY 12 S		ASHLAND CITY	TN	37015-3914
NATCO DESIGN BUILD LLC	PO BOX 77705		BATON ROUGE	LA	70879-7705
NATIONAL BRIDGE	514 ANCLOTE RD		TARPON SPGS	FL	34689-6701
NATIONAL CONDUCTOR CONSTRUCTORS LLC	18119 STATE HIGHWAY 371		BRAINERD	MN	56401-6822
NATIONAL CUSTOM CORPORATE SERVICES INC	3120 MEDLOCK BRIDGE RD STE 100		PEACHTREE CORNERS	GA	30071-1460
NATIONAL ERECTORS & BUILDERS INC	13739 KAYSER RD		HIGHLAND	IL	62249-4619
NATIONAL ROOFING AND SHEET METAL COMPANY	G4130 FLINT ASPHALT DRIVE		BURTON	MI	48529
NATIONAL WELDING CORPORATION	7025 S COMMERCE PARK DR		MIDVALE	UT	84047-1090
NATIONWIDE FENCE AND SUPPLY COMPANY	69951 LOWE PLANK RD		RICHMOND	MI	48062-5365
NBMC INC	PO BOX 300		GREENBRIER	AR	72058-0300
NEESER CONSTRUCTION INC.	2501 BLUEBERRY RD		ANCHORAGE	AK	99503-2656
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN		OKLAHOMA CITY	OK	73127-5527
NEMAHA LANDSCAPE CONSTRUCTION INC	541 S 1ST ST STE 1		LINCOLN	NE	68508-2909
NEW LEAF BUILDERS	5215 HAYES ST		SHAWNEE	KS	66203-2139

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NEW TECH CONSTRUCTION INC	PO BOX 39		NEBRASKA CITY	NE	68410-0039
NEW WAVE POOLS & SPAS INC	13312 GILES RD		OMAHA	NE	68138-3467
NEXT LEVEL STRATEGY LLC	1201 N RIVERFRONT BLVD STE 150		DALLAS	TX	75207-4001
NOHAVA CONSTRUCTION INC	51 ST ANDREWS WAY		SIOUX CENTER	IA	51250-2955
NORTH AMERICAN ROOFING SERVICES LLC	14025 RIVEREDGE DR STE 600		TAMPA	FL	33637-2088
NORTH CENTRAL SERVICE INC	PO BOX 310		BEMIDJI	MN	56619-0310
NORTH MISSISSIPPI CONVEYOR COMPANY INC	PO BOX 1375		OXFORD	MS	38655-1375
NORTHERN CLEARING INC	28190 STATE HIGHWAY 137		ASHLAND	WI	54806-4601
NORTHERN GENERAL CONTRACTORS INC.	PO BOX 900		PALMER	MA	01069-0900
NORTHSTAR DEMOLITION & REMEDIATION LP	404 N BERRY ST		BREA	CA	92821-3104
NOVINIUM INC	22820 RUSSELL RD		KENT	WA	98032-4892
NU TEC ROOFING CONTRACTORS LLC	5025 EMCO DR		INDIANAPOLIS	IN	46220-4846
NUTRI-JECT SYSTEMS INC	PO BOX 398		HUDSON	IA	50643-0398
OHIO IRRIGATION LAWN SPRINKLER SYSTEMS INC	2109 E SOCIAL ROW RD		DAYTON	OH	45458-4803
OLGOONIK SPECIALTY CONTRACTORS LLC	3201 C ST STE 700		ANCHORAGE	AK	99503-3934
OLYMPUS PAINTING CONTRACTORS INC	556 ANCLOTE RD		TARPON SPGS	FL	34689-6701

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ONEALS ELECTRIC HEATING & COOLING INC	2700 BAUGHMAN CUTOFF RD		HARRISON	AR	72601-6720
OSMENT ROOFING SYSTEMS INC	4201 E NETTLETON AVE		JONESBORO	AR	72401-5560
OTC SERVICES INC	PO BOX 188		LOUISVILLE	OH	44641-0188
OTTO BAUM COMPANY INC	866 N MAIN ST		MORTON	IL	61550-1645
OUTDOOR SYSTEMS INC	660 STATE ROUTE 158		COLUMBIA	IL	62236-3232
P&P ARTEC INC	700 CREEL DR		WOOD DALE	IL	60191-2608
PADGETT BUILDING & REMODELING CO	4200 SMELTING WORKS RD		SWANSEA	IL	62226-2023
PAINT PRO OF MISSOURI INC	6930 W 152ND TER		OVERLAND PARK	KS	66223-3125
PAR RESTORATION SERVICES INC	1934 N 81ST ST		CASEYVILLE	IL	62232-1656
PARK CONSTRUCTION MIDWEST INC	1481 81ST AVE NE		MINNEAPOLIS	MN	55432-1795
PARK DEROCHIE COATINGS AND LININGS LLC	11835 - 28 STREET NE		EDMONTON	AB	T6S 1C8
PARKWAY C&A LP	1000 CIVIC CIR		LEWISVILLE	TX	75067-3493
PARSONS PROJECT SERVICES INC	16055 SPACE CENTER BLVD STE 725		HOUSTON	TX	77062-6269
PATRIOT DRYWALL COMPANY INC	9337 W 53RD ST		SHAWNEE	KS	66203-2113
PATRIOT READY MIXED CONCRETE LLC	6202A OLD FRANCONIA RD		ALEXANDRIA	VA	22310-2529
PAVEWAY SYSTEMS INC	114 INDIAN LAKES LN		FLORAHOME	FL	32140-3614
PAYNE CONSTRUCTION SERVICES LLC	10565 DOWNTOWN LN		BUNKER HILL	IL	62014-2855

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PERENNIAL ENVIRONMENTAL I LLC	13100 NORTHWEST FWY STE 160		HOUSTON	TX	77040-6343
PERFECT PLAY FIELDS AND LINKS INC	PO BOX 24006		BELLEVILLE	IL	62223-9006
PERFORMANCE CONTRACTORS INC	PO BOX 83630		BATON ROUGE	LA	70884-3630
PERRETT CONSTRUCTION LTD	PO BOX 32		VALENTINE	NE	69201-0032
PETREE CONSTRUCTION	1100 S D ST		FORT SMITH	AR	72901-4510
PETTUS PLUMBING & PIPING INC	PO BOX 1048		ROGERSVILLE	AL	35652-1048
PIASA COMMERCIAL INTERIORS INC	1001 S MORRISON AVE		COLLINSVILLE	IL	62234-1514
PINNACLE BOILER COMPANY LLC	PO BOX 2407		MISSION	KS	66201-2407
PINNACLE MECHANICAL	PO BOX 133		HORTON	AL	35980-0133
PIONEER GENERAL CONTRACTORS INC	PO BOX 7968		AMARILLO	TX	79114-7968
PIPING CONTRACTORS OF KANSAS INC	115 SW JACKSON ST		TOPEKA	KS	66603-3311
PISHNY REAL ESTATE SERVICES LLC	12202 W 88TH ST		LENEXA	KS	66215-4607
PITRE CONSTRUCTION INC	6835 TOWN HALL RD		BELLEVILLE	IL	62223-8623
PLANT MAINTENANCE SERVICE CORPORATION	3000 FITE RD		MILLINGTON	TN	38053-8334
PLYLERS AT YOUR SERVICE INC	10 CREEK ST		BROOKVILLE	PA	15825-1401
P-N-G CONTRACTING INC	917 CARLA DR		TROY	IL	62294-3153

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POLISHED AND DECORATIVE CONCRETE LLC	8525 PARALLEL PKWY		KANSAS CITY	KS	66112-1746
POLY VINYL ROOFING INC	785 ELBOW CREEK RD		MOUNT VERNON	IA	52314-9732
PORTERS COMMERCIAL REFRIGERATION INC	118 RIDGE DR		GREENBRIER	AR	72058-9652
POWERCLEAN INC.	6808 METRO PARK DR E		FORT WAYNE	IN	46818-9393
POWERSECURE INC	1609 HERITAGE COMMERCE CT		WAKE FOREST	NC	27587-4245
PRAIRIE CENTER PLUMBING HEATING & AIR CONDITIONING	242 N MARION ST		OLATHE	KS	66061-3105
PRAIRIE CONTRACTORS INC	9318 GULFSTREAM RD STE C		FRANKFORT	IL	60423-2538
PRECISION UTILITIES GROUP INC	5916 E STATE BLVD		FORT WAYNE	IN	46815-7637
PREDICTIVE TECHNOLOGIES INC	18827 570TH AVE		AUSTIN	MN	55912-5986
PREFERRED GLOBAL INC	1360 S 10TH ST		NOBLESVILLE	IN	46060-3828
PREMIER STEEL INC	3248 MARTIN LUTHER KING		ANDERSON	IN	46013
PRICE GREGORY INTERNATIONAL INC	24275 KATY FWY STE 500		KATY	TX	77494-7269
PRO ALARM LLC	130 N DUNCAN ST		MARINE	IL	62061
PROBST ELECTRIC INC	441 W POWERLINE RD		HEBER CITY	UT	84032-1277
PRODYN LLC	100 CATHEDRAL ST STE 5		ANNAPOLIS	MD	21401-2702
PROGRESSIVE PLUMBING & PIPING INC	6007 W 8000 S		PAYSON	UT	84651-9724
PROSHOT CONCRETE INC	4158 MUSGROVE DR		FLORENCE	AL	35630-6396

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PROSSER WILBERT CONSTRUCTION INC	13730 W 108TH ST		LENEXA	KS	66215-2026
PROTACK LLC	PO BOX 649		MORRIS	IL	60450-0650
PSF MECHANICAL INC	11621 E MARGINAL WAY S # A		TUKWILA	WA	98168-1965
Q3 CONTRACTING INC	3066 SPRUCE ST		LITTLE CANADA	MN	55117-1061
QCI THERMAL SYSTEMS INC	PO BOX 2432		DAVENPORT	IA	52809-2432
QUALITY STRIPING INC	1704 E EUCLID AVE		DES MOINES	IA	50313-4730
R L BRINK CORPORATION	4400 N 24TH ST		QUINCY	IL	62305-7775
RAGAN MECHANICAL INC	702 W 76TH ST		DAVENPORT	IA	52806-1317
RAGNAR BENSON LLC	PO BOX 2071		LOVES PARK	IL	61130-0071
RAM CONSTRUCTION SERVICES OF MICHIGAN INC	13800 ECKLES RD		LIVONIA	MI	48150-1041
RAMON GARCIA CONSTRUCTION LLC	PO BOX 12743		KANSAS CITY	KS	66112-0743
RANCH CRYOGENICS INC.	32580 N 1500 EAST RD		BLACKSTONE	IL	61313-9685
RAWLINGS INDUSTRIAL INC	PO BOX 1438		HAMILTON	MT	59840-1438
RE CON COMPANY A TEXAS CORP	12 NE 52ND ST		OKLAHOMA CITY	OK	73105-1888
RECTENWALD BROTHERS CONSTRUCTION INC	16 LEONBERG RD		CRANBERRY TWP	PA	16066-3602
REDINA CONSTRUCTION COMPANY INC.	987 CHAPEL CT S		GLEN ELLYN	IL	60137-6471
REDNOUR STEEL ERECTORS INC	PO BOX 116		CUTLER	IL	62238-0116
REED DILLON & ASSOCIATES LLC	1213 E 24TH ST		LAWRENCE	KS	66046-5128

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REINER CONSTRUCTION CORP	2164 CITYGATE DR		COLUMBUS	OH	43219-3556
RELIABLE RELAMPING INC	6459 NASH RD		SARANAC	MI	48881-9608
RELIA TECH INC	2280 SIBLEY CT		EAGAN	MN	55122-1998
REMB CO GEOTECHNICAL CONTRACTORS INC	PO BOX 23009		KNOXVILLE	TN	37933-1009
RES SYSTEM 3	1610 ARDEN WAY STE 280		SACRAMENTO	CA	95815-4050
RETAIL CONSTRUCTION SERVICES INC	11343 39TH ST N		LAKE ELMO	MN	55042-9586
RETAIL STOREFRONT GROUP INC	PO BOX 1070		LEEDS	AL	35094-0020
RICH PLUMBING INC	702 N WALNUT ST	P O BOX 407	WAPELLA	IL	61777-0407
RICHARD GOETTLE INC	12071 HAMILTON AVE		CINCINNATI	OH	45231-1032
RICHARD NACHBAR PLUMBING INC	9053 COTTONWOOD CANYON PL		LENEXA	KS	66219-8174
RICHARD TURNER CONSTRUCTION COMPANY INC	10425 COGDILL RD STE 100		KNOXVILLE	TN	37932-3391
RICKY JONES	1797 N 4TH AVE		PIGGOTT	AR	72454-8242
RIDGERS LLC	4407 N BELT W		BELLEVILLE	IL	62226-5215
RIEKE GRADING INC	8200 HEDGE LANE TER		SHAWNEE	KS	66227-3037
RIGHT WAY FACILITY SERVICES OF TEXAS LLC	503 MERCEDES ST STE B		BENBROOK	TX	76126-2572
RIGID SERVICES LLC	PO BOX 1171		BREAUX BRIDGE	LA	70517-1171
RIVER CITIES ENGINEERING INC	125 W 76th St		Davenport	IA	52806-1340
RL BISHOP & ASSOCIATES INC	PO BOX 703		MANCHESTER	GA	31816-0703

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RL COOLSAET CONSTRUCTION COMPANY	PO BOX 279		TAYLOR	MI	48180-0279
RMS CRANES LLC	1961 E 64TH AVE		DENVER	CO	80229-7414
ROAD FABRICS INC	PO BOX 87380		CAROL STREAM	IL	60188
ROCK REMOVAL RESOURCES LLC	1125 N MILITARY AVE		GREEN BAY	WI	54303-4413
ROCKFORD CONSTRUCTION CO	601 1ST ST NW		GRAND RAPIDS	MI	49504-5517
ROEHL REFRIGERATED TRANSPORT LLC	PO BOX 750		MARSHFIELD	WI	54449-0750
ROLLING PLAINS CONSTRUCTION INC	12331 PEORIA ST		HENDERSON	CO	80640-9650
RON WEERS CONSTRUCTION INC	20765 FOSTER CT		BUCYRUS	KS	66013-9080
RON SIGN COMPANY	1329 S HANDLEY ST		WICHITA	KS	67213-4316
ROPE PARTNER INC	125 MCPHERSON ST STE B		SANTA CRUZ	CA	95060-5883
ROYAL ROOFING COMPANY INC	2445 BROWN RD		ORION	MI	48359-1810
ROYALTY COMPANIES OF INDIANA INC	2099 E TIPTON ST		SEYMOUR	IN	47274-3567
RP COATINGS INC	PO BOX 327		TROY	IL	62294-0327
RUSS CONSTRUCTION	3874 LIMMER LOOP		HUTTO	TX	78634-4523
RWS ENTERPRISES LLC	8725 ROSEHILL RD STE 119		LENEXA	KS	66215-4611
RYAN INCORPORATED CENTRAL	PO BOX 206		JANESVILLE	WI	53547-0206
S & K REECE CONSTRUCTION LLC	11501 W 109TH ST		OVERLAND PARK	KS	66210-1235



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S & W CONSTRUCTION LLC OF IOWA	109 MOODY DR		HAMBURG	IA	51640-1803
S A COMUNALE CO INC	2900 NEWPARK DR		BARBERTON	OH	44203-1050
SACHSE CONSTRUCTION AND DEVELOPMENT COMPANY LLC	3663 WOODWARD AVE	SUITE 500	DETROIT	MI	48201-2400
SAMRON MIDWEST CONTRACTING INC	PO BOX 1555		MURPHYSBORO	IL	62966-5055
SANGIOLO & BAKER MASONRY LLC	4673 DOUGLAS RD		MILLSTADT	IL	62260-2723
SAPPHIRE COMPANIES LLC	790 HOWARD AVE STE A		BILOXI	MS	39530-3822
SATELLITE SERVICES INC	309 S FRONT ST		MARQUETTE	MI	49855-4600
SAVAGE BROTHERS INC	5300 COMMAND DR		MEMPHIS	TN	38118-7904
SCG FIELDS LLC	10303 BRECKSVILLE RD		BRECKSVILLE	OH	44141-3335
SCHEIDT & BACHMANN USA INC	1001 PAWTUCKET BLVD		LOWELL	MA	01854-1040
SCHEINER COMMERCIAL GROUP INC	18965 BASE CAMP RD STE A-1		MONUMENT	CO	80132-8067
SCHLEIS FLOOR COVERING INC	998 GLORY RD		GREEN BAY	WI	54304-5631
SCHREIBER CORPORATION	29945 BECK RD		WIXOM	MI	48393-2836
SCHUFF STEEL COMPANY	PO BOX 19028		PHOENIX	AZ	85005-9028
SCHULTZ BROTHERS ELECTRIC CO INC	3030 S 24TH ST # A		KANSAS CITY	KS	66106-4707
SCHUMACHER ELEVATOR COMPANY	1 SCHUMACHER WAY		DENVER	IA	50622-7729
SCHUPPS LINE CONSTRUCTION INC	PO BOX 13655		ALBANY	NY	12212-3655

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SCHWICKERTS TECTA AMERICA LLC	330 POPLAR ST		MANKATO	MN	56001-2312
SCOTT ENTERPRISES ROOFING & SHEET METAL	9684 N 109TH AVE		OMAHA	NE	68142-1124
SEAKAY CONSTRUCTION SE CORP	3882 ROUNDTREE RD UNIT 2		JEFFERSON	MD	21755-7806
SEAMLESS SOLUTIONS LLC	12605 W SANTA FE TRAIL DR		LENEXA	KS	66215
SEELE INC	24 W 40TH ST FL 12		NEW YORK	NY	10018-1094
SEESE CONSTRUCTION AND MANAGEMENT LLC	PO BOX 122		MONROVIA	IN	46157-0122
SEITHER & CHERRY QUAD CITIES INC	611 E 59TH ST		DAVENPORT	IA	52807-2626
SEK HEAT & AIR INC	422 W ATKINSON RD		PITTSBURG	KS	66762-8634
SELLERS ELECTRICAL CONTRACTING INC.	1383 GOLDEN ISLE W		BAXLEY	GA	31513-9032
SEMINOLE EQUIPMENT INC	204 TARPON INDUSTRIAL DR		TARPON SPGS	FL	34689-6801
SERVICE & INDUSTRIAL REPAIR INC	18097 VAIL RD		PLEASANTON	KS	66075-7503
SEVEN25 LLC	12080 DURBIN DR		CARMEL	IN	46032-8939
SG CONSTRUCTION SERVICES LLC	111 E COURT ST STE 1A		FLINT	MI	48502-1649
SHAMROCK DEVELOPMENT OF INDIANA INC	5775 NIMTZ PKWY STE 200		SOUTH BEND	IN	46628-6195
SHEET PILING SERVICES LLC	6872 STATE HIGHWAY 66		CUSTER	WI	54423-9608
SHERMCO INDUSTRIES INC	PO BOX 540545		DALLAS	TX	75354-0545
SHORES BUILDERS INC	2222 E MCCORD ST		CENTRALIA	IL	62801-6731

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SHORTRIDGE CONSTRUCTION COMPANY INC	3908 N 24TH ST		QUINCY	IL	62305-9628
SIERRA BRAVO CONTRACTORS LLC	7038 STATE HIGHWAY 154		SESSER	IL	62884
SIGN CRAFTERS INC	1508 STRINGTOWN RD		EVANSVILLE	IN	47711-4593
SIMBECK & ASSOCIATES INC	38256 HIGHWAY 160		MANCOS	CO	81328-8967
SIMON ROOFING AND SHEET METAL CORP	70 KARAGO AVE		YOUNGSTOWN	OH	44512-5949
SINGLE PLY SYSTEMS INC	10951 NESBITT AVE S		MINNEAPOLIS	MN	55437-3125
SKYTOP TOWERS INC	13503 W US HIGHWAY 34		MALCOLM	NE	68402-9783
SLAYDEN GLASS INC	239 N OLD SAINT LOUIS RD		WOOD RIVER	IL	62095-1437
SMART RESTORATION LLC	4440 OLIVER ST		KANSAS CITY	KS	66106-3763
SMITH TANK & STEEL INC	PO BOX 2370		GONZALES	LA	70707-2370
SMITHSON INC	PO BOX 1731		ROCKY MOUNT	NC	27802-1731
SNELL NORTHCUTT ELECTRIC INC	P O BOX 24601		LITTLE ROCK	AR	72221
SNELSON COMPANIES INC	601 W STATE ST		SEDRO WOOLLEY	WA	98284-1560
SNI COMPANIES	PO BOX 367		NORWALK	IA	50211-0367
SOLARIS ROOFING SOLUTIONS INC	31W023 NORTH AVE		WEST CHICAGO	IL	60185-1060
SOLID PLATFORMS INC	6610 MELTON RD		PORTAGE	IN	46368-1236
SOUTHEAST DIRECTIONAL DRILLING LLC	3117 N CESSNA AVE		CASA GRANDE	AZ	85122-7947
SOUTHEAST INDUSTRIAL LLC	800 W MORRIS BLVD		MORRISTOWN	TN	37813-2024

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SOUTHEAST POWER CORPORATION	1684 W HIBISCUS BLVD		MELBOURNE	FL	32901-2631
SOUTHEASTERN INSTALLATION INC	207 CEDAR LANE DR		LEXINGTON	NC	27292-5711
SOUTHERN CONTRACTING LLC	777 ALLOY DR		NEWBERN	TN	38059-1171
SOUTHERN ENVIRONMENTAL INC	6540 W NINE MILE RD		PENSACOLA	FL	32526-4288
SOUTHERN ERECTORS INC	6540 W NINE MILE RD		PENSACOLA	FL	32526-4288
SOUTHERN MARINE CONSTRUCTION CO	PO BOX 4539		CHATTANOOGA	TN	37405-0539
SOUTHERN ROOTS STEEL ERECTORS INC	12277 ELMWOOD ST		TYLER	TX	75706-4420
SOUTHWEST REFRACTORY OF TEXAS LP	PO BOX 1308		ALVIN	TX	77512-1308
SOVEREIGN STAFFING GROUP INC	1041 E 151ST ST		OLATHE	KS	66062-3417
SOWARDS GLASS INC	2600 NW TOPEKA BLVD STE C		TOPEKA	KS	66617-1160
SPARROW PLUMBING & HEATING INC	313 DELAWARE ST		QUINCY	IL	62301-4823
SPECPRO INCORPORATED OF NEBRASKA	309 E 2ND ST STE 4		PAPILLION	NE	68046-2469
SPECTRA TECH LLC	10340 PLEASANT ST STE 100		NOBLESVILLE	IN	46060-3947
SPORTS METALS INC	PO BOX 1338		PHENIX CITY	AL	36868-1338
SQUARE B LLC	500 W SOUTH ST STE 1		LINCOLN	NE	68522-1744
SRW CONSTRUCTION SERVICES INC	PO BOX 412		HIGDEN	AR	72067-0412

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SSI INCORPORATED OF NW ARKANSAS	2817 YUMA ST		FORT SMITH	AR	72901-8778
ST COTTER TURBINE SERVICES INC	2135 196TH ST E		CLEARWATER	MN	55320-1660
STANDARD CARTAGE CO INC	2400 S 27TH AVE		BROADVIEW	IL	60155-3853
STANDARD ELECTRIC TOO LLC	2006 E PRAIRIE CIR		OLATHE	KS	66062-1268
STELLAR RESTORATION SERVICES LLC	15119 MEMORIAL DR STE 200		HOUSTON	TX	77079-4327
STEPHENS & SMITH CONSTRUCTION CO INC	1542 S 1ST ST		LINCOLN	NE	68502-1999
STEVE HOEGGER & ASSOCIATES INC	2630 N HIGHWAY 78		WYLLIE	TX	75098-6055
STILL CONTRACTORS LLC	15740 S MAHAFFIE ST		OLATHE	KS	66062-4038
STONEBRIDGE CONSTRUCTION LLC	PO BOX 16787		JONESBORO	AR	72403-6712
STORY CONSTRUCTION CO	2810 WAKEFIELD CIR		AMES	IA	50010-7725
STORY CONSTRUCTION COMPANY LLC	901 HARPETH VALLEY PL		NASHVILLE	TN	37221-1141
STRINGER CONSTRUCTION COMPANY INC	6141 LUCILLE LN		SHAWNEE	KS	66203-2609
STRUCTURAL RESTORATION INC	305 3RD ST		FARMINGTON	MN	55024-1352
STRUCTURAL WATERPROOFING INC	PO BOX 255		FARMINGTON	MN	55024-0255
STUTZ EXCAVATING INC.	3837 FOSTERBURG RD		ALTON	IL	62002-7323
SUMMIT HEARTLAND LLC	3823 W 1800 S		REMINGTON	IN	47977-8831

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## Missouri Department of Revenue

## Taxation Division

## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
SUMMIT SPECIALIZED INSTALLATIONS USA INC	5470 WYNN ROAD, SUITE 300		LAS VEGAS	NV	89118
SUNBELT FIRE PROTECTION INC	1520 S MEMORIAL DR		TULSA	OK	74112-7039
SUNLAND CONSTRUCTION INC	PO BOX 1087		EUNICE	LA	70535-1087
SUPER SKY PRODUCTS ENTERPRISES LLC	10301 N ENTERPRISE DR		MEQUON	WI	53092-4639
SUPERIOR CONCRETE FENCE OF TEXAS INC	1203 RAIDER DR		EULESS	TX	76040-6238
SUPREME ELECTRIC CO	PO BOX 114		QUINCY	IL	62306-0114
SURFACE AMERICA INC	PO BOX 157		WILLIAMSVILLE	NY	14231-0157
SURFACE PREPARATION TECHNOLOGIES LLC	PO BOX 834		NEW KINGSTOWN	PA	17072-0834
SURVEYS LAND AND CONSTRUCTION INC	PO BOX 29		LINDSBORG	KS	67456-0029
SUTTERFIELD ELECTRIC CONTRACTING CORP	339 N OLD SAINT LOUIS RD		WOOD RIVER	IL	62095-1165
SWIFT ROOFING INC	PO BOX 1102		MURRAY	KY	42071-0020
SYBRAN COMMUNICATIONS INC	16500 INDIAN CREEK PKWY STE 102		OLATHE	KS	66062-1215
SYSTEMS PLANT SERVICES INC	214 N WASHINGTON AVE STE 700		EL DORADO	AR	71730-5659
T & G CONSTRUCTION OF STILLWATER INC	5865 NEAL AVE N # 259		STILLWATER	MN	55082-2177
TAILORED FOAM INCORPORATED	PO BOX 4186		HICKORY	NC	28603-4186
TANCO ENGINEERING INC	1400 TAURUS CT		LOVELAND	CO	80537-3297
TANK BUILDERS INC	PO BOX 1527		EULESS	TX	76039-1527

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# Missouri Department of Revenue

## Taxation Division

### Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
TANK FOUNDATIONS INC	410 W FRONT ST		LAKE MILLS	IA	50450-1109
TANK INDUSTRY CONSULTANTS INC	7740 W NEW YORK ST		INDIANAPOLIS	IN	46214-4939
TARPAN CONSTRUCTION LLC	6756 HIGHWAY 29		COTTONPORT	LA	71327-4228
TATE GENERAL CONTRACTORS INC	115 WOODY LN		JONESBORO	AR	72401-0496
TAYLOR BROS CONSTRUCTION CO INC	4555 MIDDLE RD		COLUMBUS	IN	47203-1834
TDR CONTRACTORS INC	PO BOX 1003		GILMER	TX	75644-1003
TDS CONSTRUCTION 1 INC	4239 63RD ST W		BRADENTON	FL	34209-6647
TDW US INC	6120 S YALE AVE STE 1700		TULSA	OK	74136-4235
TECTA AMERICA ILLINOIS ROOFING LLC	4813 KINGSTON AVE		LISLE	IL	60532-2220
TELETECHSERV GA LLC	9335 INDUSTRIAL TRCE		ALPHARETTA	GA	30004-3383
TELLUS LLC	829 NANCY LYNN LN		ARNOLD	MD	21012-3025
TENNESSEE ELECTRIC COMPANY INC	1025 KONNAROCK RD		KINGSPORT	TN	37664-3720
TERRA-GEN OPERATING COMPANY LLC	437 MADISON AVE FL 22A		NEW YORK	NY	10022-7036
TERRAZZO USA AND ASSOCIATES INC	9532 TOWRY CT		OKLAHOMA CITY	OK	73165-4629
TERRY & TERRY CONSTRUCTION LLC	723 E MAIN ST		CHARLESTON	AR	72933-9000
TERWISSCHA CONSTRUCTION INC	1550 WILLMAR AVE SE		WILLMAR	MN	56201-4762
TEXAS ALLIANCE GROUP INC	11288 WEST RD		HOUSTON	TX	77065-4493

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## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
TEXOMA INDUSTRIAL INSULATION ASSOCIATION	PO BOX 497		DENISON	TX	75021-0497
TFR ENTERPRISES INC	601 LEANDER DR		LEANDER	TX	78641-2026
THE DRILLER LLC	5125 E UNIVERSITY AVE		PLEASANT HILL	IA	50327-7007
THE FISHEL COMPANY	1366 DUBLIN RD		COLUMBUS	OH	43215-1093
THE FRED CHRISTEN & SONS COMPANY	PO BOX 547		TOLEDO	OH	43697-0547
THE GOETTLE COMPANY	12071 HAMILTON AVE		CINCINNATI	OH	45231-1032
THE HAIRE CORPORATION	1747 STEVENS ST		BELLEVILLE	IL	62226-6482
THE KILIAN CORPORATION	PO BOX A		MASCOUTAH	IL	62258-0187
THE MAPP GROUP LLC	344 3RD ST		BATON ROUGE	LA	70801-1307
THE MAXIS GROUP INC	8225 E DEL CAMINO DR # 100		SCOTTSDALE	AZ	85258-2330
THE NASSAL COMPANY	415 W KALEY ST		ORLANDO	FL	32806-3942
THE RIVERSIDE GROUP INC	13238 S PEORIA AVE		BIXBY	OK	74008-4846
THE ROBINS & MORTON GROUP	400 SHADES CREEK PKWY		BIRMINGHAM	AL	35209-4454
THE ROSS GROUP CONSTRUCTION CORPORATION	PO BOX 690960		TULSA	OK	74169-0960
THE RYAN GROUP INC	10955 160TH ST		DAVENPORT	IA	52804-9166
THERMODYNE COMMERCIAL CLIMATE CONTROL SPECIALISTS	300 W MONROE ST		BELLEVILLE	IL	62220-2466
THIELSCH ENGINEERING INC	195 FRANCES AVE		CRANSTON	RI	02910-2211
THOMAS GRACE CONSTRUCTION INC	5605 MEMORIAL AVE N		STILLWATER	MN	55082-1092



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### Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
THOMPSON ELECTRIC COMPANY	3505 S 61ST AVENUE CIR		OMAHA	NE	68106-4306
THOMPSON ELECTRONICS COMPANY	905 S BOSCH RD		PEORIA	IL	61607-1120
THOMPSON THRIFT CONSTRUCTION INC	901 WABASH AVE STE 300		TERRE HAUTE	IN	47807-3233
THRASHER INC	11844 VALLEY RIDGE DR		PAPILLION	NE	68046-6229
TI ZACK CONCRETE INC	39352 221ST AVE		LE CENTER	MN	56057-4131
TINDALL CONTRACTOR INC	5240 NAMEOKI RD		PONTOON BEACH	IL	62040-2656
TMG CONSTRUCTION MANAGEMENT INC	15420 ENDEAVOR DR		NOBLESVILLE	IN	46060-4921
TMI COATINGS INC	3291 TERMINAL DR		EAGAN	MN	55121-1610
TOM'S BACKHOE SERVICE INC.	323 WOODLAND HILLS LN		BRAINERD	MN	56401-6514
TOMS TUCKPOINTING LLC	202 W BROADWAY ST		POCAHONTAS	AR	72455-3419
TOPPING OUT INC	15109 S 231ST ST		GRETNA	NE	68028-6575
TOTAL CONSTRUCTION SOLUTIONS CO	7630 LOUIS RICH CT		DAVENPORT	IA	52804-2269
TOTAL ELECTRIC CONTRACTORS INC	PO BOX 13247		EDWARDSVILLE	KS	66113-0247
TOTAL STEEL SERVICES LLC	1255 W BROADWAY ST		SPARTA	IL	62286-1659
TOUCH UP PLUS	5353 SPRINGFIELD DR		EDWARDSVILLE	IL	62025-5835
TOURNEAR ROOFING CO	2605 SPRING LAKE RD		QUINCY	IL	62305-0523
TOWER TECHNOLOGIES GROUP LLC	PO BOX 266		EDGERTON	WI	53534-0266
TQ CONSTRUCTORS INC	911 2ND AVE		DAYTON	KY	41074-1203

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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
TRAC WORK INC	PO BOX 550		ENNIS	TX	75120-0550
TRADEBE ENVIRONMENTAL SERVICES LLC	234 HOBART ST STE 1		MERIDEN	CT	06450-4380
TRANSFLUID SERVICES INC	600 TRAVIS ST STE 6150		HOUSTON	TX	77002-3039
TRI CITY ELECTRIC COMPANY OF IOWA	6225 N BRADY ST		DAVENPORT	IA	52806-0002
TRI COUNTY WELDING & FABRICATION	PO BOX 137		ARTHUR	IL	61911-0137
TRI NORTH BUILDERS INC	PO BOX 259568		MADISON	WI	53725-9568
TRI STATE CONCRETE CORRECTION CO	3215 CORONA RD		QUINCY	IL	62305-8131
TRI STATE HEATING AND ELETRIC INC	PO BOX 1451		KEOKUK	IA	52632-1451
TROGIN INC	1901 MARTIN RD		DRIPPING SPGS	TX	78620-3507
TROST PLASTICS INC	8610 HANOVER INDUSTRIAL DR		COLUMBIA	IL	62236-4632
TROY PIPELINE LLC	PO BOX 450862		HOUSTON	TX	77245-0862
TST CONSTRUCTION SERVICES LLC	9806 BROCKBANK DR		DALLAS	TX	75220-2943
TUCKER CONSTRUCTION CO	PO BOX 442		LINDSAY	OK	73052
TUCKER TECHNOLOGY INC	300 FRANK H OGAWA PLZ STE 235		OAKLAND	CA	94612-2066
TUFF WRAP INSTALLATIONS INC	2080 DETWILER RD STE 2		HARLEYSVILLE	PA	19438-2911
TURF DESIGN INC	PO BOX 860303		SHAWNEE	KS	66286-0303
TUTTLE INC	110 PAGE ST		FRIEND	NE	68359-1147
TWC CONCRETE LLC	10737 MEDALLION DR		CINCINNATI	OH	45241-4837

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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
TYROLT INCORPORATED DELAWARE	724 N MERCER ST		DECATUR	IL	62522-1699
UDIG LLC	8000 FRANKLIN FARMS DR STE 100		HENRICO	VA	23229-5002
ULTIMATE CONSTRUCTION SERVICES INC	6700 N INTERSTATE 35		NEW BRAUNFELS	TX	78130-7206
ULTIMATE THERMAL INC	PO BOX 34818		OMAHA	NE	68134-0818
ULTRA SHEEN CONCRETE POLISHING LLC	3402 SCENIC DR		GROVE	OK	74344-5518
ULTRAFLOTE LLC	3640 W 12TH ST		HOUSTON	TX	77008-6050
UNITED CONVEYOR AND MACHINERY INSTALLATION LLC	2105 ARBOR TECH DR		HEBRON	KY	41048-7512
UNITED GOLF LLC	2108 N 129TH EAST AVE		TULSA	OK	74116-1729
UNITED PIPING INC	4510 AIRPORT RD		DULUTH	MN	55811-1523
UNITED STATES CONSTRUCTION LLC	5845 HORTON ST STE 203		MISSION	KS	66202-2610
UNIVERSAL COMMUNICATIONS LLC	19915 W 161ST ST STE E		OLATHE	KS	66062-2762
UNIVERSAL WALL SYSTEMS INC	4400 DONKERS CT SE		GRAND RAPIDS	MI	49512-4054
URETEK USA INC	PO BOX 1929		TOMBALL	TX	77377-1929
US SOUTH PLUMBING INC	7555 INDUSTRIAL CT		ALPHARETTA	GA	30004-3379
US TRADES LLC	10735 SKY PRAIRIE ST STE 100		FISHERS	IN	46038-7816
USA RACK INSTALLATIONS LLC	2151 HARRY WRIGHT BLVD		WHITING	NJ	08759-3812
UTILITRA LLC	200 LAKE FRONT PKWY		EDWARDSVILLE	IL	62025-2904

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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
UTILITY SOLUTIONS LLC	14612 PARALLEL LN		BASEHOR	KS	66007-4001
VANCE CONSTRUCTION SOLUTIONS LLC	PO BOX 17196		JONESBORO	AR	72403-6721
VAUGHN ELECTRIC CO INC	313 E FLORIDA AVE		UNION CITY	TN	38261-3957
VCC LLC	PO BOX 2558		LITTLE ROCK	AR	72203-2558
VECTOR CONSTRUCTION INC	2504 MAIN AVE W		WEST FARGO	ND	58078-1310
VERITAS CONSTRUCTION GROUP LLC	3511 E SUMMERHILL DR		COTTONWOOD HEIGHTS	UT	84121-5539
VESTA INDUSTRIAL CONTRACTORS INC.	3375 CORPORATE WOODS DRIVE		VESTAVIA	AL	35242
VIACON INC	70 BANKS RD		STOCKBRIDGE	GA	30281-4362
VICS CRANE AND HEAVY HAUL INC	3000 145TH ST E		ROSEMOUNT	MN	55068-5916
VICTORY AIR INC	853 S KEIFER ST		BENNETT	CO	80102-8733
VIKING ERECTORS CORP	PO BOX 1336		MC MURRAY	PA	15317-4336
VIKING INDUSTRIAL PAINTING LLC	211 S 84TH ST		LINCOLN	NE	68510-2603
VIRGINIA TRANSFORMER CORP	220 GLADE VIEW DR NE		ROANOKE	VA	24012-6470
VISION CONTRACTORS INC	95 OLD DIXIE HWY STE B		ADAIRSVILLE	GA	30103-2044
VISU SEWER INC	W230N48557 BETKER RD		PEWAUKEE	WI	53072
VKW CONSTRUCTION LLC	505 S MADISON DR		TEMPE	AZ	85281-7213
VOLT POWER LLC	2910 HIGHWAY 31 NW		HARTSELLE	AL	35640-4271
VUCON LLC	527 N HOLLYWOOD ST		MEMPHIS	TN	38112-2598
WALTERS MORGAN CONSTRUCTION INC	2616 TUTTLE CREEK BLVD		MANHATTAN	KS	66502-4479

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### Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
WARD ELECTRIC COMPANY INC.	9586 E I25 FRONTAGE RD STE B		LONGMONT	MO	80504-9458
WARNING LITES OF SOUTHERN ILLINOIS LLC	9441 LEBANON RD		EAST SAINT LOUIS	IL	62203-2213
WATSON ELECTRIC INC	318 N 8TH ST		SALINA	KS	67401-2312
WATTS ELECTRIC COMPANY	13351 DOVERS ST		WAVERLY	NE	68462-2516
WEIGEL CONSTRUCTION INC	19015 MADISON ST STE A		SPRING HILL	KS	66083-7573
WEST COAST INSPECTION SERVICES LLC	8653 AVENIDA COSTA NORTE		SAN DIEGO	CA	92154-6235
WESTERN OILFIELDS SUPPLY COMPANY	PO BOX 2248		BAKERSFIELD	CA	93303-2248
WHEATLAND CONTRACTING LLC	6204 246TH RD		EFFINGHAM	KS	66023-5151
WHM CONSTRUCTION INC	526 COUNTY ROAD 3211		JACKSONVILLE	TX	75766-9249
WICKS CRANE SERVICE LLC	51 ST ANDREWS WAY		SIOUX CENTER	IA	51250-2955
WIEGMANN WOODWORKING AND FIREPLACES INC	105 SUGAR CREEK LN		DAMIANSVILLE	IL	62215-1353
WILDCAT CONCRETE SERVICES INC	PO BOX 9163		WICHITA	KS	67277-0163
WILLIAM G CURTH INC	PO BOX 3463		SHAWNEE	KS	66203-0463
WILLIAMS DIVERSIFIED MATERIALS INC	PO BOX 660		BAXTER SPGS	KS	66713-0660
WILSONS POOLS PLUS INC	843 SCOTT TROY RD		LEBANON	IL	62254-1911
WINGATE ARCHITECTURAL MILLWORKS CO	PO BOX 632535		NACOGDOCHES	TX	75963-2535
WINGER CONTRACTING COMPANY	PO BOX 637		OTTUMWA	IA	52501-0637
WOLF CONSTRUCTION INC	5630 SW RANDOLPH AVE		TOPEKA	KS	66609-1158

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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
WOLTCOM INC	PO BOX 1983		HOLLISTER	CA	95024-1983
WOODS BASEMENT SYSTEMS INC	524 VANDALIA ST		COLLINSVILLE	IL	62234-4041
WORLDWIDE TURBINES LLC	6770 E ROGERS CIR		BOCA RATON	FL	33487-2649
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST		NASHVILLE	TN	37211-2409
WS INDUSTRIAL SERVICES INC	533 S MAIN ST		COUNCIL BLUFFS	IA	51503-6508
WS SPECIALTY SERVICES LLC	35 MAIN PL STE 175		COUNCIL BLFS	IA	51503-0708
WVP INSTALLATIONS INC	7317 MAPLE AVE		CINCINNATI	OH	45231-4233
WYCO FIELD SERVICES LLC	3980 QUEBEC ST STE 210		COMMERCE CITY	CO	80022
XL INDUSTRIAL SERVICES INC	1920 N 400 W		LA PORTE	IN	46350-2131
YOKOGAWA CORPORATION OF AMERICA	2 DART RD		NEWNAN	GA	30265-1094
ZEAMERS WELDING LLC	2772 BLAKE RD E		DE PERE	WI	54115-8720
ZEFCO INC	PO BOX 1387		ANDERSON	SC	29622-1387
ZIMMERMAN CONSTRUCTION COMPANY INC	12509 HEMLOCK ST		OVERLAND PARK	KS	66213-1453

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [adrules.dissolutions@sos.mo.gov](mailto:adrules.dissolutions@sos.mo.gov).

**NOTICE OF CORPORATE DISSOLUTION  
TO ALL CREDITORS OF AND  
CLAIMANTS AGAINST  
TKBP HOLDINGS, INC.**

On June 17, 2021, TKBP HOLDINGS, INC., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on April 26, 2021.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

TKBP HOLDINGS, INC.  
Attn: Thomas A. King  
22 Arrowhead Estates Ln  
Chesterfield, MO 63017

Or

Andrew Ruben, Esq.  
Sandberg Phoenix & von Gontard P.C.  
120 S Central Ave – Ste 1600  
St. Louis, MO 63105

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of TKBP HOLDINGS, INC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
SCHAFER TECHNICAL SERVICES LLC**

On April 23, 2021, Schafer Technical Services LLC filed Notice of Winding Up with the Missouri Secretary of State. The dissolution was effective May 20, 2021.

Any claims against Schafer Technical Services LLC must be submitted to Robert Schafer, 2830 State Highway V, Cape Girardeau, MO 63701. Each claim must include claimant's name, address of claimant and telephone number of claimant; amount of claim; the date on which the event on which the claim is based occurred; and a brief description of the nature of the debt or the basis for the claim.

By law, proceedings are barred unless commenced against the Limited Liability Company within three years after the publication of this notice.

**NOTICE OF DISSOLUTION OF CORPORATION TO ALL CREDITORS OF AND CLAIMANTS AGAINST S. AND H. TRANSPORTATION, INC.**

S. and H. Transportation, Inc., a Missouri corporation (the "Corporation"), was dissolved on March 4, 2021 by filing Articles of Dissolution with the Missouri Secretary of State. The Corporation requests all persons and entities with claims against the Corporation present them in writing by mail to S. and H. Transportation, Inc., P.O. Box 8, O'Fallon, Missouri 63366, Attn: Jerry Harris. Each claim must include:

1. The name, address, and telephone number of the claimant;
2. The amount of the claim;
3. The basis of the claim;
4. The date(s) of the event(s) on which the claim is based occurred; and
5. Documentation in support of the claim.

NOTICE: Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST JGH HOLDINGS, LLC**

JGH Holdings, LLC, a Missouri limited liability company (the "Company"), was dissolved on January 13, 2021 by the filing of a Notice of Winding Up with the Missouri Secretary of State. The Company requests all persons and entities with claims against the Company present them in writing by mail to: JGH Holdings, LLC, P.O. Box 8, O'Fallon, Missouri 63366, Attn: Jerry Harris. Each claim must include:

1. The name, address, and telephone number of the claimant;
2. The amount of the claim;
3. The basis of the claim;
4. The date(s) of the event(s) on which the claim is based occurred; and
5. Documentation in support of the claim.

NOTICE: Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**Notice of Dissolution of  
Limited Liability Company  
To All Creditors of and  
Claimants Against  
Arbiter Products, LLC**

On June 16, 2021, Arbiter Products, LLC ("the Company"), a Missouri limited liability company filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State, effective on June 16, 2021.

Any claims against the Company may be sent to: Blitz, Bardgett & Deutsch, L.C., Attn: Bridget M. Nave, 120 South Central Avenue, Ste 1500, St. Louis, MO 63105. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.



**Notice of Winding Up of Limited Liability Company  
to all Creditors and Claimants Against  
Elm Street Bam LLC**

On April 2, 2021, Elm Street Bam LLC, a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Bush & Patchett, L.L.C., Attn: Adam Patchett, 4240 Philips Farm Road, Suite 109, Columbia, Missouri, 65201. Each claim must include the following information: name, address and telephone number of the claimant; amount of claim; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF CORPORATE DISSOLUTION TO ALL  
CREDITORS OF AND CLAIMANTS AGAINST  
GOLDEN VALLEY TRANSPORTATION, INC.**

On March 22, 2021, GOLDEN VALLEY TRANSPORTATION, INC., a Missouri Corporation, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State. The Dissolution was effective on March 22, 2021.

You are hereby notified that if you have a claim against GOLDEN VALLEY TRANSPORTATION, INC. you must submit a written claim to the corporation in care of Michael X. Edgett, Attorney at Law, 608 E. Ohio Street, Clinton, MO 64735. The claim you submit must include the following information: (1) the name, address and telephone number of the claimant; (2) the amount of the claim; (3) the date of the event on which the claim is based; and (4) a description of the nature of the debt or the basis of the claim.

All claims against GOLDEN VALLEY TRANSPORTATION, INC will be barred unless a proceeding to enforce the claim is commenced within two years after publication of this notice.

**Notice of Winding Up of Limited Liability Company**  
**to all Creditors and Claimants Against**  
**Murray5Farm, L.L.C.**

On June 23, 2021, Murray5Farm, L.L.C., a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Bush & Patchett, L.L.C., Attn: Adam Patchett, 4240 Philips Farm Road, Suite 109, Columbia, Missouri, 65201. Each claim must include the following information: name, address and telephone number of the claimant; amount of claim; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS AND  
CLAIMANTS AGAINST S&K ROOFING, INC.**

On June 10, 2021, S&K Roofing, Inc., filed its Articles of Dissolution with the Missouri Secretary of State. The dissolution was effective on June 10, 2021. You are hereby notified that if you believe you have a claim against S&K Roofing, Inc., you must submit a summary in writing of the circumstances surrounding your claim to Michael Schwartz, S&K Roofing, Inc., at PO box 290, Westphalia, Missouri 65085. The summary of your claim must include the following information: 1) the name, address and telephone number of the claimant; 2) the amount of the claim; 3) the date on which the event on which the claim is based occurred; and 4) a brief description of the nature of the debt or basis for the claim. All claims against S&K Roofing, Inc., will be barred unless the proceeding to enforce the claim is commenced within two years after the publication of this notice.

**Notice of Winding Up of Limited Liability Company**  
**to all Creditors and Claimants Against**  
**Callaway Hunters, LLC**

On June 23, 2021, Callaway Hunters, L.L.C., a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Bush & Patchett, L.L.C., Attn: Kerry Bush, 4240 Philips Farm Road, Suite 109, Columbia, Missouri, 65201. Each claim must include the following information: name, address and telephone number of the claimant; amount of claim; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP  
AND DISSOLUTION OF LIMITED LIABILITY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
F&L Green Enterprises, LLC**

On June 23, 2021, F&L Green Enterprises, LLC, a Missouri limited liability company (the "Company"), filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. The dissolution was effective on that date.

You are hereby notified that if you believe you have a claim against the Company, you must submit a written summary of your claim to the Company in care of Curry P. Sexton, Seigfreid Bingham, P.C., 2323 Grand Boulevard, Suite 1000, Kansas City, Missouri 64108. The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant;
2. The amount of the claim;
3. The date on which the claim is based occurred;
4. A brief description of the nature of the debt or the basis for the claim; and
5. Whether the claim is secured, and if so, the collateral used as security.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after publication of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
CORNERSTONE FAMILY CARE, P.C.**

Cornerstone Family Care, P.C., a Missouri corporation, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State on June 10, 2021. The dissolution was effective on that date.

Any and all claims against Cornerstone Family Care, P.C. may be sent to J. Brian Hill, Esq., 2900 Brooktree Lane, Suite 100, Gladstone, Missouri 64119. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; documentation supporting the claim; and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against Cornerstone Family Care, P.C. will be barred unless a proceeding to enforce such claim is commenced within two (2) years after the date this notice is published.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
ORTUS PACKAGING, INC.**

Ortus Packaging, Inc., a Missouri corporation, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State on May 4, 2021. The dissolution was effective on that date.

Any and all claims against Ortus Packaging, Inc. may be sent to J. Brian Hill, Esq., 2900 Brooktree Lane, Suite 100, Gladstone, Missouri 64119. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; documentation supporting the claim; and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against Ortus Packaging, Inc. will be barred unless a proceeding to enforce such claim is commenced within two (2) years after the date this notice is published.

**NOTICE OF WINDING UP  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
DJF REALTY, LLC**

On June 30, 2021, DJF Realty, LLC, a Missouri limited liability company filed its Notice of Winding Up for DJF Realty, LLC with the Missouri Secretary of State. DJF Realty, LLC requests that all persons and organizations who have claims against it present them immediately by letter to Elizabeth Bivona, 7380 Oakwood Creek Road, Edmond, Oklahoma 73034.

All claims must include the following information: (a) name and address of the claimant, (b) the amount claimed, (c) date on which the claim arose, (d) basis for the claim and documentation thereof, and (e) whether or not the claim was secured and, if so, the collateral used as security.

All claims against DJF Realty, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

## Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—43 (2018) and 44 (2019). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule				45 MoReg 1926
1 CSR 10-15.010	Commissioner of Administration	This Issue			
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel	46 MoReg 39T			
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 30-10.010	Animal Health	46 MoReg 393	46 MoReg 397	46 MoReg 1338	
2 CSR 70-17.010	Plant Industries	46 MoReg 1039	46 MoReg 1049		
2 CSR 70-17.100	Plant Industries	46 MoReg 1039	46 MoReg 1049		
2 CSR 80-5.010	State Milk Board		46 MoReg 1000		
2 CSR 90	Weights, Measures and Consumer Protection				This Issue
2 CSR 90-30.040	Weights, Measures and Consumer Protection		46 MoReg 753		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-4.111	Conservation Commission		46 MoReg 397	46 MoReg 1082	
3 CSR 10-4.135	Conservation Commission		46 MoReg 398	46 MoReg 1082	
3 CSR 10-6.550	Conservation Commission		46 MoReg 398	46 MoReg 1082	
3 CSR 10-6.605	Conservation Commission		46 MoReg 398	46 MoReg 1083	
3 CSR 10-7.405	Conservation Commission				
3 CSR 10-7.410	Conservation Commission				
3 CSR 10-7.433	Conservation Commission			46 MoReg 1083	
3 CSR 10-7.434	Conservation Commission			46 MoReg 1084	
3 CSR 10-7.435	Conservation Commission			46 MoReg 1084	
3 CSR 10-7.437	Conservation Commission			46 MoReg 1085	
3 CSR 10-7.439	Conservation Commission		46 MoReg 399	46 MoReg 1085	
3 CSR 10-7.440	Conservation Commission				
3 CSR 10-7.600	Conservation Commission			46 MoReg 1085	
3 CSR 10-7.705	Conservation Commission				
3 CSR 10-7.710	Conservation Commission				
3 CSR 10-7.900	Conservation Commission				
3 CSR 10-7.905	Conservation Commission				
3 CSR 10-9.105	Conservation Commission		46 MoReg 399	46 MoReg 1086	
3 CSR 10-9.110	Conservation Commission		46 MoReg 404	46 MoReg 1086	
3 CSR 10-9.220	Conservation Commission		46 MoReg 404	46 MoReg 1086	
3 CSR 10-9.223	Conservation Commission		46 MoReg 407	46 MoReg 1086	
3 CSR 10-9.230	Conservation Commission		46 MoReg 407	46 MoReg 1087	
3 CSR 10-9.240	Conservation Commission		46 MoReg 408	46 MoReg 1087	
3 CSR 10-9.250	Conservation Commission		46 MoReg 408	46 MoReg 1087	
3 CSR 10-9.350	Conservation Commission		46 MoReg 408	46 MoReg 1087	
3 CSR 10-9.351	Conservation Commission		46 MoReg 409	46 MoReg 1087	
3 CSR 10-9.352	Conservation Commission		46 MoReg 411	46 MoReg 1087	
3 CSR 10-9.353	Conservation Commission		46 MoReg 413	46 MoReg 1088	
3 CSR 10-9.354	Conservation Commission		46 MoReg 415	46 MoReg 1088	
3 CSR 10-9.359	Conservation Commission		46 MoReg 420	46 MoReg 1089	
3 CSR 10-9.360	Conservation Commission		46 MoReg 420	46 MoReg 1089	
3 CSR 10-9.370	Conservation Commission		46 MoReg 421	46 MoReg 1089	
3 CSR 10-9.371	Conservation Commission		46 MoReg 424	46 MoReg 1090	
3 CSR 10-9.372	Conservation Commission		46 MoReg 429	46 MoReg 1090	
3 CSR 10-9.442	Conservation Commission		46 MoReg 429	46 MoReg 1090	
3 CSR 10-9.560	Conservation Commission		46 MoReg 429	46 MoReg 1090	
3 CSR 10-9.565	Conservation Commission		46 MoReg 430	46 MoReg 1090	
3 CSR 10-9.566	Conservation Commission		46 MoReg 434	46 MoReg 1092	
3 CSR 10-10.725	Conservation Commission		46 MoReg 434	46 MoReg 1092	
3 CSR 10-10.739	Conservation Commission		46 MoReg 434	46 MoReg 1092	
3 CSR 10-10.744	Conservation Commission		46 MoReg 435	46 MoReg 1093	
3 CSR 10-10.767	Conservation Commission		46 MoReg 435	46 MoReg 1093	
3 CSR 10-11.186	Conservation Commission		46 MoReg 436	46 MoReg 1093	
3 CSR 10-12.109	Conservation Commission		46 MoReg 436	46 MoReg 1093	
3 CSR 10-12.110	Conservation Commission		46 MoReg 436	46 MoReg 1093	
3 CSR 10-20.805	Conservation Commission		46 MoReg 437	46 MoReg 1093	
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 10-1.010	Commissioner of Education		This Issue		
5 CSR 10-3.010	Commissioner of Education		This Issue		
5 CSR 20-100.220	Division of Learning Services		This Issue		
5 CSR 20-100.230	Division of Learning Services		45 MoReg 1067	45 MoReg 1913	
			46 MoReg 47	46 MoReg 1002	
5 CSR 20-100.275	Division of Learning Services		46 MoReg 49	46 MoReg 1010	
5 CSR 20-300.130	Division of Learning Services <i>moved to 5 CSR 30-660.095</i>		46 MoReg 926		
5 CSR 20-400.220	Division of Learning Services		46 MoReg 926		
5 CSR 20-400.360	Division of Learning Services		46 MoReg 1000R		
5 CSR 20-400.500	Division of Learning Services		46 MoReg 754		
5 CSR 20-400.620	Division of Learning Services		46 MoReg 316	46 MoReg 1012	
5 CSR 20-400.630	Division of Learning Services		46 MoReg 316	46 MoReg 1012	
5 CSR 30-640.200	Division of Financial and Administrative Services		46 MoReg 927		
5 CSR 30-660.080	Division of Financial and Administrative Services		46 MoReg 927		
5 CSR 30-660.085	Division of Financial and Administrative Services		46 MoReg 317R	46 MoReg 1013R	
5 CSR 30-660.095	Division of Financial and Administrative Services <i>formally 5 CSR 20-300.130</i>		46 MoReg 926		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 30-680.080	Division of Financial and Administrative Services		46 MoReg 928		
5 CSR 100-200.150	Missouri Commission for the Deaf and Hard of Hearing		46 MoReg 437	46 MoReg 965	
<b>DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT</b>					
6 CSR 10-2.190	Commissioner of Higher Education and Workforce Development	46 MoReg 903			46 MoReg 970
<b>MISSOURI DEPARTMENT OF TRANSPORTATION</b>					
7 CSR	Notice of Periodic Rule Review				46 MoReg 1096
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR	Notice of Periodic Rule Review				46 MoReg 1096
8 CSR 20-7.010	Labor and Industrial Relations Commission		46 MoReg 606R		
8 CSR 50-5.007	Division of Workers' Compensation	46 MoReg 305	46 MoReg 440	46 MoReg 1014	
8 CSR 50-6.010	Division of Workers' Compensation		46 MoReg 606R		
<b>DEPARTMENT OF MENTAL HEALTH</b>					
9 CSR	Notice of Periodic Rule Review				46 MoReg 1096
9 CSR 10-5.210	Director, Department of Mental Health		This Issue		
9 CSR 30-3.032	Certification Standards		46 MoReg 1050		
9 CSR 30-3.100	Certification Standards		46 MoReg 1052R		
			46 MoReg 1052		
9 CSR 30-3.110	Certification Standards		46 MoReg 1054R		
			46 MoReg 1054		
9 CSR 30-3.132	Certification Standards		46 MoReg 1058R		
			46 MoReg 1058		
9 CSR 30-3.155	Certification Standards		46 MoReg 1064		
9 CSR 30-3.157	Certification Standards		46 MoReg 1065		
9 CSR 30-3.195	Certification Standards		46 MoReg 1066		
9 CSR 30-3.150	Certification Standards		46 MoReg 754		
9 CSR 40-5.015	Licensing Rules		This IssueR		
9 CSR 40-5.035	Licensing Rules		This IssueR		
9 CSR 40-5.055	Licensing Rules		This IssueR		
9 CSR 40-5.075	Licensing Rules		This Issue		
9 CSR 50-2.010	Admission Criteria		46 MoReg 497	46 MoReg 1094	
9 CSR 50-2.510	Admission Criteria		46 MoReg 505	46 MoReg 1094	
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR	Notice of Periodic Rule Review				46 MoReg 1096
10 CSR 10-6.060	Air Conservation Commission				46 MoReg 970
10 CSR 10-6.376	Air Conservation Commission		46 MoReg 691		
10 CSR 20-7.031	Clean Water Commission		46 MoReg 1153		
10 CSR 20-8.300	Clean Water Commission	46 MoReg 39	46 MoReg 318	This Issue	
10 CSR 20-9.030	Clean Water Commission				46 MoReg 970
10 CSR 20-14.020	Clean Water Commission				46 MoReg 970
10 CSR 25-12.010	Hazardous Waste Management Commission				46 MoReg 971
10 CSR 25-12.020	Hazardous Waste Management Commission				46 MoReg 971
10 CSR 60-5.010	Safe Drinking Water Commission		46 MoReg 931		
10 CSR 60-5.020	Safe Drinking Water Commission		46 MoReg 932		
10 CSR 60-14.020	Safe Drinking Water Commission		46 MoReg 935		46 MoReg 971
10 CSR 60-16.010	Safe Drinking Water Commission				46 MoReg 971
10 CSR 60-16.030	Safe Drinking Water Commission				46 MoReg 971
10 CSR 140-2	Division of Energy				46 MoReg 972
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 30-13.010	Office of the Director <i>moved to 11 CSR 90-4.010</i>		46 MoReg 696	This Issue	
11 CSR 30-13.020	Office of the Director <i>moved to 11 CSR 90-4.020</i>		46 MoReg 696	This Issue	
11 CSR 30-13.030	Office of the Director <i>moved to 11 CSR 90-4.030</i>		46 MoReg 697	This Issue	
11 CSR 30-13.040	Office of the Director <i>moved to 11 CSR 90-4.040</i>		46 MoReg 697	This Issue	
11 CSR 30-13.050	Office of the Director <i>moved to 11 CSR 90-4.050</i>		46 MoReg 698	This Issue	
11 CSR 30-13.060	Office of the Director <i>moved to 11 CSR 90-4.060</i>		46 MoReg 698	This Issue	
11 CSR 30-13.070	Office of the Director <i>moved to 11 CSR 90-4.070</i>		46 MoReg 699	This Issue	
11 CSR 30-13.080	Office of the Director <i>moved to 11 CSR 90-4.080</i>		46 MoReg 700	This Issue	
11 CSR 30-13.090	Office of the Director <i>moved to 11 CSR 90-4.090</i>		46 MoReg 701	This Issue	
11 CSR 30-13.100	Office of the Director		46 MoReg 701R	This Issue	
11 CSR 30-13.110	Office of the Director <i>moved to 11 CSR 90-4.100</i>		46 MoReg 702	This Issue	
11 CSR 30-18.010	Office of the Director		46 MoReg 606		
11 CSR 30-18.020	Office of the Director		46 MoReg 612		
11 CSR 45-5.090	Missouri Gaming Commission		46 MoReg 758		
11 CSR 45-5.110	Missouri Gaming Commission		46 MoReg 758		
11 CSR 45-5.140	Missouri Gaming Commission		46 MoReg 758		
11 CSR 45-9.108	Missouri Gaming Commission		46 MoReg 759		
11 CSR 45-9.118	Missouri Gaming Commission		46 MoReg 759		
11 CSR 45-12.090	Missouri Gaming Commission		46 MoReg 50	46 MoReg 965	
11 CSR 75-16.010	Peace Officer Standards and Training Program		46 MoReg 321	46 MoReg 965	
11 CSR 85-1.060	Veterans Affairs		46 MoReg 1067		
11 CSR 90-4.010	Missouri 911 Service Board <i>formally 11 CSR 30-13.010</i>		46 MoReg 696	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
11 CSR 90-4.020	Missouri 911 Service Board <i>formally 11 CSR 30-13.020</i>		46 MoReg 696	This Issue	
11 CSR 90-4.030	Missouri 911 Service Board <i>formally 11 CSR 30-13.030</i>		46 MoReg 697	This Issue	
11 CSR 90-4.040	Missouri 911 Service Board <i>formally 11 CSR 30-13.040</i>		46 MoReg 697	This Issue	
11 CSR 90-4.050	Missouri 911 Service Board <i>formally 11 CSR 30-13.050</i>		46 MoReg 698	This Issue	
11 CSR 90-4.060	Missouri 911 Service Board <i>formally 11 CSR 30-13.060</i>		46 MoReg 698	This Issue	
11 CSR 90-4.070	Missouri 911 Service Board <i>formally 11 CSR 30-13.070</i>		46 MoReg 699	This Issue	
11 CSR 90-4.080	Missouri 911 Service Board <i>formally 11 CSR 30-13.080</i>		46 MoReg 700	This Issue	
11 CSR 90-4.090	Missouri 911 Service Board <i>formally 11 CSR 30-13.090</i>		46 MoReg 701	This Issue	
11 CSR 90-4.100	Missouri 911 Service Board <i>formally 11 CSR 30-13.110</i>		46 MoReg 702	This Issue	
<b>DEPARTMENT OF REVENUE</b>					
12 CSR 10-2.019	Director of Revenue	46 MoReg 310	46 MoReg 321	46 MoReg 1014	
12 CSR 10-24.448	Director of Revenue		46 MoReg 935		
12 CSR 10-104.050	Director of Revenue		46 MoReg 260	46 MoReg 965	
<b>DEPARTMENT OF SOCIAL SERVICES</b>					
13 CSR 35-30.020	Children's Division	46 MoReg 1040	46 MoReg 1068		
13 CSR 35-30.030	Children's Division	46 MoReg 1043	46 MoReg 1071		
13 CSR 35-31.025	Children's Division		46 MoReg 855		
13 CSR 35-32.020	Child Support Enforcement <i>moved to 13 CSR 35-35.120</i>	46 MoReg 1121	46 MoReg 1287		
13 CSR 35-32.030	Child Support Enforcement <i>moved to 13 CSR 35-35.130</i>	46 MoReg 1126	46 MoReg 1291		
13 CSR 35-35.100	Children's Division	46 MoReg 1130	46 MoReg 1295		
13 CSR 35-35.120	Children's Division <i>formally 13 CSR 35-32.020</i>	46 MoReg 1121	46 MoReg 1287		
13 CSR 35-35.130	Children's Division <i>formally 13 CSR 35-32.030</i>	46 MoReg 1126	46 MoReg 1291		
13 CSR 35-35.140	Children's Division <i>formally 13 CSR 35-50.010</i>	46 MoReg 1134	46 MoReg 1301		
13 CSR 35-50.010	Child Support Enforcement <i>moved to 13 CSR 35-35.140</i>	46 MoReg 1134	46 MoReg 1301		
13 CSR 40-2.015	Family Support Division		46 MoReg 325	46 MoReg 1094W	
13 CSR 40-7.010	Family Support Division		46 MoReg 327	46 MoReg 1338W	
13 CSR 40-7.050	Family Support Division		46 MoReg 859		
13 CSR 40-91.020	Family Support Division		46 MoReg 445	46 MoReg 966	
13 CSR 70-3.170	MO HealthNet Division		46 MoReg 1076R		
13 CSR 70-4.060	MO HealthNet Division		46 MoReg 1076		
13 CSR 70-10.015	MO HealthNet Division		46 MoReg 612	46 MoReg 1338	
13 CSR 70-15.160	MO HealthNet Division		46 MoReg 937		
13 CSR 70-20.045	MO HealthNet Division		46 MoReg 329	46 MoReg 966	
13 CSR 70-20.047	MO HealthNet Division		46 MoReg 329	46 MoReg 966	
13 CSR 70-20.050	MO HealthNet Division		46 MoReg 1077		
13 CSR 70-20.060	MO HealthNet Division	46 MoReg 311	46 MoReg 332	46 MoReg 966	
13 CSR 70-20.070	MO HealthNet Division	46 MoReg 904	46 MoReg 944		
13 CSR 70-20.075	MO HealthNet Division	46 MoReg 905	46 MoReg 944		
13 CSR 70-20.250	MO HealthNet Division		46 MoReg 464	46 MoReg 966	
13 CSR 70-25.110	MO HealthNet Division		46 MoReg 623	46 MoReg 1339	
13 CSR 70-40.010	MO HealthNet Division		46 MoReg 702		
13 CSR 70-90.010	MO HealthNet Division	46 MoReg 601 46 MoReg 999T	46 MoReg 624	46 MoReg 1339W	
13 CSR 70-94.020	MO HealthNet Division		46 MoReg 863		
<b>ELECTED OFFICIALS</b>					
15 CSR 30-55.060	Secretary of State		46 MoReg 948		
15 CSR 30-55.065	Secretary of State		46 MoReg 948		
15 CSR 40-3.125	State Auditor	46 MoReg 909	46 MoReg 948		
15 CSR 40-3.135	State Auditor	46 MoReg 917	46 MoReg 956		
<b>BOARDS OF POLICE COMMISSIONERS</b>					
17 CSR 10-2.010	Kansas City Board of Police Commissioners		46 MoReg 624R 46 MoReg 625	This IssueR This Issue	
17 CSR 10-2.020	Kansas City Board of Police Commissioners		46 MoReg 632R 46 MoReg 632	This IssueR This Issue	
17 CSR 10-2.030	Kansas City Board of Police Commissioners		46 MoReg 636R 46 MoReg 636	This IssueR This Issue	
17 CSR 10-2.040	Kansas City Board of Police Commissioners		46 MoReg 637R 46 MoReg 637	This IssueR This Issue	
17 CSR 10-2.050	Kansas City Board of Police Commissioners		46 MoReg 647R 46 MoReg 647	This IssueRW This IssueW	
17 CSR 10-2.055	Kansas City Board of Police Commissioners		46 MoReg 651R 46 MoReg 651	This IssueR This Issue	
17 CSR 10-2.060	Kansas City Board of Police Commissioners		46 MoReg 655R 46 MoReg 655	This IssueRW This IssueW	
<b>PUBLIC DEFENDER COMMISSION</b>					
18 CSR 10-1.010	Office of State Public Defender				46 MoReg 17
<b>DEPARTMENT OF HEALTH AND SENIOR SERVICES</b>					
19 CSR 10-4.020	Office of the Director		46 MoReg 704		
19 CSR 20-1.030	Division of Community and Public Health		46 MoReg 1302		
19 CSR 30-20.100	Division of Regulation and Licensure		This Issue		
19 CSR 30-81.030	Division of Regulation and Licensure		46 MoReg 334	46 MoReg 1339	
19 CSR 30-84.010	Division of Regulation and Licensure	46 MoReg 1136	46 MoReg 1306		
19 CSR 30-85.042	Division of Regulation and Licensure		46 MoReg 1334		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 60-50	Missouri Health Facilities Review Committee				46 MoReg 972 46 MoReg 973 This Issue
<b>DEPARTMENT OF COMMERCE AND INSURANCE</b>					
20 CSR	Construction Claims Binding Arbitration Cap				45 MoReg 1978
20 CSR	Sovereign Immunity Limits				45 MoReg 1978
20 CSR	State Legal Expense Fund Cap				45 MoReg 1978
20 CSR 200-22.010	Insurance Solvency and Company Regulation		46 MoReg 870		
20 CSR 500-6.100	Property and Casualty		45 MoReg 376		
20 CSR 500-7.020	Property and Casualty		45 MoReg 376		
20 CSR 500-7.030	Property and Casualty		45 MoReg 377		
20 CSR 500-7.050	Property and Casualty		45 MoReg 377		
20 CSR 500-7.060	Property and Casualty		45 MoReg 379		
20 CSR 500-7.070	Property and Casualty		45 MoReg 379		
20 CSR 500-7.090	Property and Casualty		45 MoReg 380		
20 CSR 500-7.200	Property and Casualty		45 MoReg 381		
20 CSR 700-8.005	Insurance Licensing		45 MoReg 383		
20 CSR 700-8.150	Insurance Licensing		45 MoReg 383		
20 CSR 1135	State Banking Board				46 MoReg 1349
20 CSR 1140	Division of Finance				46 MoReg 1349
20 CSR 1140-2.020	Division of Finance		46 MoReg 759R		
20 CSR 1140-2.030	Division of Finance		46 MoReg 760R		
20 CSR 1140-2.035	Division of Finance		46 MoReg 760R		
20 CSR 1140-2.040	Division of Finance		46 MoReg 760R		
20 CSR 1140-2.053	Division of Finance		46 MoReg 760R		
20 CSR 1140-2.060	Division of Finance		46 MoReg 761R		
20 CSR 1140-2.067	Division of Finance		46 MoReg 761R		
20 CSR 1140-2.081	Division of Finance		46 MoReg 761		
20 CSR 1140-2.082	Division of Finance		46 MoReg 762R		
20 CSR 1140-2.090	Division of Finance		46 MoReg 762		
20 CSR 1140-2.100	Division of Finance		46 MoReg 762R		
20 CSR 1140-2.126	Division of Finance		46 MoReg 762R		
20 CSR 1140-4.020	Division of Finance				This Issue
20 CSR 1140-4.030	Division of Finance				This Issue
20 CSR 1140-6.025	Division of Finance		46 MoReg 763R		
20 CSR 1140-6.030	Division of Finance		46 MoReg 763R		
20 CSR 1140-6.040	Division of Finance		46 MoReg 763R		
20 CSR 1140-6.060	Division of Finance		46 MoReg 763		
20 CSR 2010-2.061	Missouri State Board of Accountancy		46 MoReg 1337		
20 CSR 2030-4.100	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
20 CSR 2030-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		46 MoReg 358	46 MoReg 966	
20 CSR 2030-13.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
20 CSR 2030-13.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
20 CSR 2063-6.005	Behavior Analyst Advisory Board		46 MoReg 964		
20 CSR 2120-2.100	State Board of Embalmers and Funeral Directors		46 MoReg 1077		
20 CSR 2120-3.400	State Board of Embalmers and Funeral Directors		46 MoReg 870R		
20 CSR 2120-3.405	State Board of Embalmers and Funeral Directors		46 MoReg 870R		
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20 CSR 2120-3.410	State Board of Embalmers and Funeral Directors		46 MoReg 874R		
20 CSR 2150-5.025	State Board of Registration for the Healing Arts	46 MoReg 182	46 MoReg 262	46 MoReg 967	
20 CSR 2220-2.016	State Board of Pharmacy		46 MoReg 874R		
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20 CSR 2220-2.200	State Board of Pharmacy	46 MoReg 853	46 MoReg 878		
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20 CSR 2220-2.685	State Board of Pharmacy		46 MoReg 465	46 MoReg 1014	
20 CSR 2220-6.050	State Board of Pharmacy	46 MoReg 183	46 MoReg 262	46 MoReg 968	
20 CSR 2232-1.020	Missouri State Committee of Interpreters		46 MoReg 964		
20 CSR 2234-1.050	Board of Private Investigator and Private Fire Investigator Examiners		46 MoReg 764		
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20 CSR 2235-2.001	State Committee of Psychologists		46 MoReg 509	46 MoReg 1014	
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20 CSR 2245-2.020	Real Estate Appraisers		46 MoReg 1081		
20 CSR 2255-1.030	Missouri Board for Respiratory Care		46 MoReg 658	This Issue	
20 CSR 2263-2.031	State Committee for Social Workers		46 MoReg 767		
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20 CSR 2263-2.082	State Committee for Social Workers		46 MoReg 466	46 MoReg 969	
20 CSR 4240-40.020	Public Service Commission		This Issue		
20 CSR 4240-40.030	Public Service Commission		This Issue		
20 CSR 4240-40.080	Public Service Commission		This Issue		



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Agency	Publication	Effective	Expiration
<b>Office of Administration</b>			
<b>Commissioner of Administration</b>			
1 CSR 10-15.010 Cafeteria Plan	.This Issue	July 9, 2021	Jan. 1, 2022
<b>Department of Agriculture</b>			
<b>Animal Health</b>			
2 CSR 30-10.010 Inspection of Meat and Poultry	.46 MoReg 393	Feb. 11, 2021	Aug. 9, 2021
<b>Plant Industries</b>			
2 CSR 70-17.010 Definitions	.46 MoReg 1039	June 10, 2021	Dec. 6, 2021
2 CSR 70-17.100 Sampling Requirements and Results of Analysis	.46 MoReg 1039	June 10, 2021	Dec. 6, 2021
<b>Department of Higher Education and Workforce Development</b>			
<b>Commissioner of Higher Education and Workforce Development</b>			
6 CSR 10-2.190 A+ Scholarship Program	.46 MoReg 903	May 12, 2021	Feb. 21, 2022
<b>Department of Labor and Industrial Relations</b>			
<b>Division of Workers' Compensation</b>			
8 CSR 10-3.160 Waiver of Recovery of Overpayments Under the Coronavirus Aid, Relief and Economic Security Act (CARES), as Amended	.Next Issue	July 19, 2021	Feb. 24, 2022
<b>Department of Social Services</b>			
<b>Children's Division</b>			
13 CSR 35-30.020 Immediate Safety Intervention Plan	.46 MoReg 1040	Aug. 2, 2021	Feb. 24, 2022
13 CSR 35-30.030 Temporary Alternative Placement Agreements (TAPA)	.46 MoReg 1043	Aug. 2, 2021	Feb. 24, 2022
13 CSR 35-35.100 Response and Evaluation Process for Case Management of Children in Foster Care	.46 MoReg 1130	July 1, 2021	Feb. 24, 2022
13 CSR 35-35.120 Foster Care Case Management Contracts	.46 MoReg 1121	July 1, 2021	Feb. 24, 2022
13 CSR 35-35.130 Contracted Foster Care Case Management Costs	.46 MoReg 1126	July 1, 2021	Feb. 24, 2022
13 CSR 35-35.140 Accreditation as Evidence for Meeting Licensing Requirements	.46 MoReg 1134	July 1, 2021	Feb. 24, 2022
<b>MO HealthNet Division</b>			
13 CSR 70-15.160 Outpatient Hospital Services Reimbursement Methodology	.Next Issue	July 20, 2021	Feb. 24, 2022
13 CSR 70-20.070 Drug Reimbursement Methodology	.46 MoReg 904	July 1, 2021	Feb. 24, 2022
13 CSR 70-20.075 340B Drug Pricing Program	.46 MoReg 905	July 1, 2021	Feb. 24, 2022
<b>Elected Officials</b>			
<b>State Auditor</b>			
15 CSR 40-3.125 Calculation and Revision of Property Tax Rates by School Districts	.46 MoReg 909	May 13, 2021	Dec. 30, 2021
15 CSR 40-3.135 Calculation and Revision of Property Tax Rates by Political Subdivisions Other Than School Districts	.46 MoReg 917	May 13, 2021	Dec. 30, 2021
<b>Department of Health and Senior Services</b>			
<b>Division of Regulation and Licensure</b>			
19 CSR 30-84.010 Nursing Assistant Training Program	.46 MoReg 1136	June 28, 2021	Dec. 24, 2021
<b>Department of Commerce and Insurance</b>			
<b>State Board of Pharmacy</b>			
20 CSR 2220-2.200 Sterile Compounding	.46 MoReg 853	April 28, 2021	Feb. 7, 2022

<b>Executive Orders</b>	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b><u>2021</u></b>			
<b>Proclamation</b>	Convenes the First Extra Session of the First Regular Session of the One Hundred and First General Assembly for extending the Federal Reimbursement Allowances (FRA) and related allowances, taxes, and assessments necessary for funding MO HealthNet	June 22, 2021	This Issue
<b>21-07</b>	Extends Executive Order 20-02, Executive Order 20-04, Executive Order 20-05, Executive Order 20-06, and Executive Order 20-14 until August 31, 2021	March 26, 2021	46 MoReg 750
<b>21-06</b>	Creates and establishes the Show Me Strong Recovery Task Force and rescinds Executive Order	March 22, 2021	46 MoReg 748
<b>21-05</b>	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	February 24, 2021	46 MoReg 605
<b>21-04</b>	Extends Executive Order 21-03 until February 28, 2021 and terminates Executive Order 20-17.	February 19, 2021	46 MoReg 603
<b>21-03</b>	Declares a State of Emergency and exempts hours of service requirements for vehicles transporting residential heating fuel until February 21, 2021	February 11, 2021	46 MoReg 495
<b>21-02</b>	Establishes the Office of Childhood within the Department of Elementary and Secondary Education	January 28, 2021	46 MoReg 394
<b>21-01</b>	Terminates Executive Orders 03-11 and 02-05, and modifies provisions of Executive Order 05-06	January 7, 2021	46 MoReg 314
<b><u>2020</u></b>			
<b>20-21</b>	Modifies the provisions of the Missouri Justice Reinvestment Executive Oversight Council, as established in Executive Order 18-08	December 30, 2020	46 MoReg 185
<b>20-20</b>	Closes state offices December 24, 2020	December 7, 2020	46 MoReg 46
<b>20-19</b>	Extends the State of Emergency, activation of the State Emergency Operations Plan and activation of the state militia until March 31, 2021. Gov. Michael Parson also extends, in part, the provisions of Executive Order 20-04. Gov. Parson also extends, in whole, Executive Orders 20-05, 20-06, and 20-08	November 19, 2020	46 MoReg 7
<b>Proclamation</b>	Adds additional measures for consideration during the Second Extra Session of the Second Regular Session of the One Hundredth General Assembly regarding supplemental appropriations to respond to COVID-19	November 12, 2020	45 MoReg 1953
<b>20-18</b>	Closes state offices November 27, 2020	October 30, 2020	45 MoReg 1862
<b>Proclamation</b>	Convenes the Second Extra Session of the Second Regular Session of the One Hundredth General Assembly regarding supplemental appropriations to respond to COVID-19	October 21, 2020	45 MoReg 1860
<b>20-17</b>	Declares a State of Emergency and activates the state militia due to civil unrest in Missouri	September 24, 2020	45 MoReg 1656
<b>20-16</b>	Extends Executive Order 20-12 regarding the activation of the state militia until December 30, 2020	September 15, 2020	45 MoReg 1562
<b>20-15</b>	Establishes the Interagency Task Force on Worker Classification	September 11, 2020	45 MoReg 1559
<b>20-14</b>	Suspends the requirement of physical appearance as stated in Chapter 474 by authorizing the use of audio-visual technology	September 3, 2020	45 MoReg 1557
<b>Proclamation</b>	Amends the matters specifically designated and limited for consideration by the General Assembly in the July 15, 2020 Proclamation	August 10, 2020	45 MoReg 1338
<b>20-13</b>	Extends Executive Order 18-12 regarding the 2020 Census until November 30, 2020	July 31, 2020	45 MoReg 1303
<b>Proclamation</b>	Convenes the one hundredth general assembly of the State of Missouri in the First Extra Session of the Second Regular Session	July 15, 2020	45 MoReg 1220
<b>20-12</b>	Extends the State of Emergency, activation of the State Emergency Operations Plan and activation of the state militia. Gov. Michael Parson also extends, in part, the provisions of Executive Order 20-04. Gov. Parson also extends, in whole, Executive Orders 20-05, 20-06, and 20-08	June 11, 2020	45 MoReg 1064
<b>20-11</b>	Declares a State of Emergency and activates the state militia due to civil unrest in Missouri	May 30, 2020	45 MoReg 990
<b>Proclamation</b>	Calls for a special election on August 4th of 2020	May 26, 2020	45 MoReg 988
<b>20-10</b>	Extends Executive Orders 20-04, 20-05, 20-06, and 20-08 until June 15, 2020	May 4, 2020	45 MoReg 895
<b>20-09</b>	Extends the State of Emergency declared in Executive Order 20-02 until June 15, 2020 and directs the Missouri State Emergency Operations Plan to remain activated	April 24, 2020	45 MoReg 789

<b>Executive Orders</b>	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b>20-08</b>	Suspends the requirement of personal appearance before a notary public by authorizing the use of audio-video technology	April 6, 2020	45 MoReg 718
<b>20-07</b>	Waives late penalties for concealed carry permits for 60 days	April 2, 2020	45 MoReg 716
<b>20-06</b>	Activates the state militia in response to the COVID-19 pandemic	March 27, 2020	45 MoReg 587
<b>20-05</b>	Suspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency	March 23, 2020	45 MoReg 585
<b>20-04</b>	Suspends certain agency regulations to allow them to address the current state of emergency	March 18, 2020	45 MoReg 583
<b>20-03</b>	Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020	March 18, 2020	45 MoReg 580
<b>20-02</b>	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated	March 13, 2020	45 MoReg 529
<b>20-01</b>	Designates supervisory authority over select departments, divisions, or agencies of government	Feb. 03, 2020	45 MoReg 352

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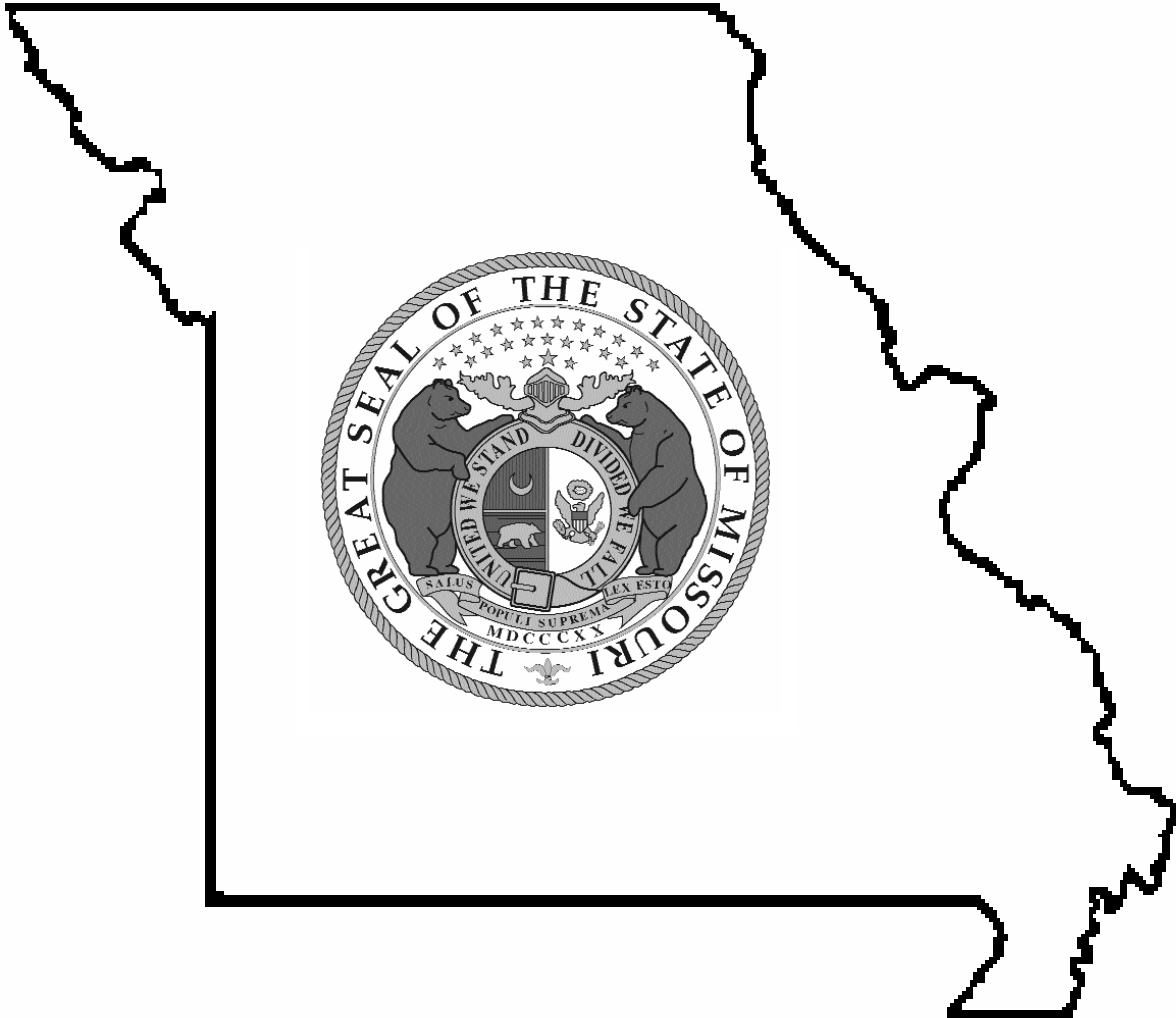
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# MISSOURI STATE RULEMAKING MANUAL



JOHN R. ASHCROFT  
SECRETARY OF STATE

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